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**Land policy and gender in sub-Saharan Africa: the effect of land consolidation on the differential status of women and men in the Siaya District of Kenya**

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# **LAND POLICY AND GENDER IN SUB-SAHARAN AFRICA**

## **The effect of land consolidation on the differential status of women and men in the Siaya District of Kenya**

**NDAGWE OMONDI AHAWO**



**A thesis submitted to the University of Bristol in accordance with the  
requirements for the degree of PhD in the Faculty of Social Sciences  
(School for Policy Studies).**

**March 1999**

## **ABSTRACT**

The twentieth century will go down in history as a century when Africa fulfilled the dismal Hobbesian prediction. Africa has become the one continent in the world where human life is hardly worth living because of the man-made problems of inequality and impoverishment.

This thesis examines the effect of land consolidation on gender inequality and feminized poverty in a particular community in Kenya. This depends on historical documentation, comparative statistical evidence and interviews that the author conducted in the Siaya District of Kenya as well as in Nairobi. The thesis argues that land consolidation turned out to be a policy of dispossession and impoverishment imposed and sustained by a particular colonial authority on the people of Siaya. It does not accept suggestions that land consolidation was a positive development policy. Initially it started as a punitive measure that was imposed by colonial force in a state of emergency. The Luo people were not recognised as having their own traditional way of land ownership and use, a right and a heritage that had served them for centuries. An honest and ethical approach to life that had been inculcated in the culture and widely reflected due to lack of policy informed development. The Luo as a society sacrificed and lost all their dignity, and their social, human, physical and economic resources to colonial and post colonial Kenya. Siaya eventually became the most socially underdeveloped and therefore the poorest district in Kenya.

This thesis is presented at a time when, paradoxically, the international community has resolved to eradicate poverty from the face of the earth. Different international agencies accept that this is possible. Certainly it will depend on a strong will. There are many people in the world who are ready to help others empower themselves, but not discriminate against them or dominate them. These are the people who will confront the problem discussed in this thesis. Overall, this thesis contributes to an understanding of the reasons why poverty has not been eradicated in Siaya and may even have increased. Having witnessed the failure of development policy, humanity will be defeated and international citizenship will remain a dream in the next century unless strategies to eradicate poverty and gender inequality become more successful.

## DEDICATION AND ACKNOWLEDGEMENT

As this century comes to a close, everybody agrees that few have had it worse than the poor indigenous rural women of Africa. It is hard to imagine what they have gone through in the last century. I can do no more than to dedicate this thesis to all women of Africa, and through them to my mother. *Nyar Ohola* gave all she had for my education. Thank you Mama.

Most special thanks go to Professor Peter Townsend. It took me a decade of working with women in Africa and the diaspora and continuously wondering where I could do a PhD. I kept wondering and thinking about feminized poverty in Africa and the lack of policy action to address it. This was until I knew about the (former) Department of Social Policy in the University of Bristol. I have no words, in English, to express my heart-felt thanks to Professor Townsend for supervising this thesis. His support and encouragement made me feel included and at home in place and through the time.

I went through this with my wife, Aoko, who was a constant source of encouragement and support. To her, and the entire family, some of which had to endure our long absence from home; Thank you all.

The staff of the School for Policy Studies were most supportive. Ben Oakley first met me and Aoko in Nairobi, before we came to Bristol. Ben remained a constant source of support and encouragement to both of us. Helen, Zaheda and Jaqui were particularly helpful all through. I am grateful to them all.

During our stay in Bristol, we were lucky to meet wonderful people who became real family friends and kept us happy. For lack of space, I cannot mention them all, except Barbara and Bill Charnock; Kathrin and James. Thank you all. You did everything to keep us happy in Bristol. *Erokamano maduon'g ahinya.*



#### DECLARATION

**I declare that the work in this thesis is original except where indicated by special reference in the text and no part of the thesis has been submitted for any other degree. Any views expressed in the thesis are those of the author and in no way represent those of the University of Bristol. The thesis has not been presented to any other University in the United Kingdom or overseas.**

*Anthony*

*26 July 1999*

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# INTRODUCTION

This thesis examines the effect of land consolidation on the differential status of women and men in the Siaya District of Kenya. It has three main objectives. First, to show that land consolidation, as a policy action programme, was not intended to benefit indigenous people of Kenya. Second, to prove that the prevailing differentials in the social status of indigenous women and men in Kenya, with evidence from Siaya, resulted from the same policy action programme. Third, to propose a new policy programme to deal with the effect of land consolidation for the benefit of women and men in Siaya.

This chapter is divided into three main sections. The first section discusses the background, historical and theoretical contexts within which land consolidation took place in Kenya. The second section puts the thesis in a more disciplined context with focus on policy. The third section examines the main participants in this scenario of underdevelopment and their role in managing the effects of land consolidation as well as prospects for an alternative policy action.

## 0.1 THE BACKGROUND, HISTORICAL AND THEORETICAL CONTEXTS OF LAND CONSOLIDATION IN KENYA

The main background ideas behind this thesis are presented from an historical perspective because social ideas should be placed in their historical context (Seidman

1977). It is actually not possible to understand *the effect* without a clear background context on which the policy was decided and acted upon.

### **0.1.1 The Background of Land Consolidation in Kenya**

Three main facts about land consolidation in Kenya must be initially clarified. Firstly, it was a decision that was unilaterally taken by an authority that had earlier imposed its rule on Kenyans without their consent. Secondly, it was initially started at the *time* and *place* (Kiambu District) for a particular reason which had nothing to do with African development. Thirdly, it was later adopted and formalised by way of a plan (Swynnerton Plan) to develop African agriculture despite the hidden fact that it was a punitive and underdevelopment plan. Land consolidation was therefore a policy that was simultaneously destructive to the African in political, strategic and socio-economic ways.

The problem is that these three features are still valid in Kenya. Politically, it was land consolidation that put emphasis on a district as a unit of underdevelopment in Kenya. That emphasis still persists in Kenya. Strategically, the landlessness in which the freedom fighters found themselves also applied to other parts of Kenya. Some Kenyan freedom fighters and their families are landless. Further, this strategic element was also gendered. While the women of the freedom fighters became directly landless because their land was grabbed by the settlers, the women of other rural parts of

Kenya became landless because they were disinherited during consolidation. Where was the intention to develop African agriculture?

### **0.1.2 Historical and Theoretical Aspects of Land Consolidation in Kenya**

The issue of land in Africa can become clearer if explained in the context of motherland. We all know that one person can only claim one belonging or one motherland. Double motherland is naturally not possible. A place called 'motherland' is where one has a stake and where one naturally belongs. It is the root of a person's existence. A place where one has the right to defend his/her freedom and way of life and die for the sake of defending her/his own existence. The concept of motherland therefore starts from the individual's station in life, in the family, locality, society, up to the country and not beyond. The Kikuyu of Kenya, for example, consider the earth as the 'mother' of the tribe; for the reason that she bears her burden for about eight to nine moons while the child is in her womb, and then for a short period of suckling. It is the soil that feeds the child through life time; and again after death it is the soil that nurses the spirits of the dead for eternity (Kenyatta 1961)

The struggle by Africans against European interference in their motherland has continued since the Europeans first stepped on African soil. Africans are still struggling with two questions: Why did European settlement in Africa become a problem for Africans? What did Europeans want in Africa? It could be obvious but worth reiterating that the most difficult person to live with is a settler. A settler, in this case, is a person who leaves his/her motherland and moves or migrates to another place with the intention of staying there for ever. The intention of the settler may or

may not be known to the native or host. Furthermore, a settler may be an invited immigrant or may just turn up.

The problem with all settlers is that whenever they come into other people's home, a kind of struggle starts immediately, depending on the reason for the immigrant coming into the community. A settler could come a slave, prisoner of war, refugee or just turn up. This person is always considered an outsider, or exogenous variable in the community into which s/he has migrated.

Since Europeans were settlers in Africa, what did they want? Furthermore, the European settler was more equipped for any eventuality. S/he also came with two weapons of colonialism hitherto unknown to Africans, *Christianity* and the *gun*. The first weapon was secret, and the second one was physical. Africans did not know that he had come to stay.

In 1652 the Dutch gained a foothold in an almost empty land. In it they found only wandering bands of Bushmen and Hottentots who had no permanent dwelling place in the area in which the Europeans began to cultivate the soil.

The white man's Africa came into being, not by conquest, but by colonization (Neame 1953 p12).

To what extent could this be a justification for the white man taking Africans' land? Colonialism is 'the policy and practice of a power in extending control over weaker peoples or areas' (Collins Concise English Dictionary, 1992). In my view, this definition exposes some conceptual difficulties on the reasons for European

colonization of Africa. Who gave the 'power' a right to extend control over other peoples? How were the weaker people defined? Can colonialism be defined as the policy and practice of a *human* power in extending control over weaker human powers?

What is the theoretical justification of European colonization and dispossession of Africans' lands? Changes in man-land relations will always occur in response to natural factors like population growth, climatic and environmental changes. The changes can be planned reforms, but they can be spontaneous or just indigenously, socially or environmentally evolve. But land tenure reforms are usually part of a broader economic and political reform process and can stem from diverse conditions (de Anda 1996). They can emerge as a consequence of a revolution, as was the case in China, Mexico and several European countries during the nineteenth and twentieth centuries (ibid.). They can also occur as a result of specific conjectural conditions or unique local events, such as the position of a country in the international community or a local calamity or major disruption (ibid.). Examples are Taiwan, Republic of Korea, and Japan (ibid.).

Many different illustrations can therefore be given of land policy formation.



All land tenure reforms are top-down; an enlightened elite with a sense of statehood conceives of reform as a mechanism for the consolidation of its power in relation to other elites.... Land tenure reform is crucial in this context because the recognition of property rights infers a corresponding recognition of the right to participate in the political community, and citizenship does not refer merely to the provision of social, civil and political rights...but is grounded on a recognition that the effective use of these rights might, and indeed should, lead to the enhanced welfare of citizens and future generations (de Anda (ibid. p6).

Land consolidation was a change injected from outside, by an external power that has subordinated the stakeholders and denied them the rights relating to the ownership of their land. Some of the rights to land are:

- a) surface right which permits a landowner to enjoy the current use of his land,
- b) productive right, which allows an owner to make profit from the current use of his land,
- c) development right, which allows the owner to improve his property, within the prevailing context of planning legislation,
- d) pecuniary right, which allows a landowner to benefit financially from development value both actual and anticipated,
- e) restrictive right, which grants the landowner a right not to develop his land, and
- f) disposal right, which allows the land owner to sell or will his land (Ratcliffe 1976 op. cit. p22).

The processes of subordination, dispossession and consolidation of land and power take place over a long time until the dispossessed natives or stakeholders and their

descendants no longer know that they have the natural **right** to their **motherland**. This denial of rights can become a culture of poverty for the dispossessed natives.

An equally damaging view of poverty is the recent much publicized notion of the culture of poverty. According to the main exponent of the culture of poverty thesis, Oscar Lewis, the poor have a way of life, remarkably stable and persistent, passed down from generation to generation along family lines. The culture of poverty has its own modalities and distinctive social and psychological consequences for its members. It is a dynamic factor which affects participation in the larger national culture and which becomes a subculture of its own'.... This view of poverty confuses norms with aspirations (George 1973 p39).

This problem does not go away because as time passes, it becomes internalised and status *differentials* among the victims also start to widen along the axis of sex as the poor realistically respond to the situation they find themselves in. Often it is promoted by stereotyped patriarchal attitudes, racial discrimination and religious teachings of the possessors until the dispossessed lose their aspirations and become unconscious of the gender inequalities within themselves and between themselves and the possessors. Colonisation was therefore very conducive to land consolidation: they are both top-down, they both political and authoritarian, they both breed inequality, deprivation and poverty among the colonials.

Furthermore, the powerful always take advantage and control over the powerless. Unfortunately, this is often done by use of violence. Colonisation was a process of Europeans taking control over other people and their land by force. The colonialists wrongly believed '[t]hat the natives were to be civilised while the raw materials and other resources of the colonies would benefit the economy of the metropolitan

country' (Louis 1998 p91). Native colonials who went through European colonisation in Africa, Asia, America, and Australia know what it means in reality.

[C]onsultation [with the leaders of the natives] will be fruitless as long as the non whites will agree to nothing save the extension of Gold Coastism from Lagos to the Lion's Head. Upon that demand the Whites will make no compromise and discuss no terms. They will fight to the bitter end for mastery of their own house (Neame 1953 op cit. p104).

Another dimension of colonial underdevelopment was masculine violence. Apart from violence as a normal human instinct, colonial violence, especially settler colonialist violence, that Kenyans, South Africans and Zimbabweans went through, was a policy that was used to deprive the natives of their land. This is the relationship between masculinity, colonialism and violence. 'One argument is that "masculinism" - "an ideology that justifies and naturalises male domination", ... shapes aggressive, controlling, competitive, power oriented, rationalistic, instrumental behaviours in men' (Huggins and Haritos-Fatouros 1998 p30). Acts of violence by Europeans for example, slave trade and colonisation can be attributed to masculinism. Specifically,

English "state building" involved "not just a deepening sexual division of labour [between men and women] ..., but also 'differentiations of masculinities'- most notably between aristocratic and bourgeois masculinities ..., between the 'warrior masculinities' and more rational/calculative [ones].... [A]ristocratic masculinities focused on a man's relationship to family and blood line and on his duty to honour others through 'praiseworthy' acts. With the rise of the capitalist state, bourgeois masculinities emphasised individualism, scientific nationality, control and a subdivision of psyche into public and private spheres. (ibid. p31)

Masculinised violence can also be bureaucratised and become very dangerous to the very existence of the deprived, the colonised or the 'othered' lesser souls. Colonial and postcolonial administration in Kenya, for example, were and still are carried out by institutionalised functionaries and agents of development administration such as

the Police, and the Judiciary who still have a colonial mentality about the ordinary native Kenyan. Institutionalised violence can therefore be exhibited at all levels; individual, family and societal or national. At individual level, the conditions show in the trends and causes of individual births and deaths. The individual conditions are also doubly gendered. Any society in which land has been privatised becomes an antagonised society of the 'possessed' and the 'dispossessed' that are ruled by institutionalised violence. In all cases, the dispossessed have lost their self defence and the defence of their motherland, which then becomes the colony of the 'managers' of metropolitan land. In this case, 'the principle of giving a people the right to determine their future within or outside this framework of the existing state is becoming increasingly recognized' (Deng 1996 p224).

## 0.2 THE MAIN DISCIPLINARY ASPECTS OF THE DEBATE

'The main reason the rich world is rich ... is not because it has physical and human capital in abundance (though that helps) but because it is rich in ideas and knows how to apply [them]' (Rohwer 1998 p131). This is why it is necessary to empower the (colonised) local people so that they can generate their own ideas on how to deal with their day-to-day lives. In this case, realistic social science should aim at long term empowerment of the people and not just social engineering. It is important to keep in mind that any society like any individual is single and unique. That is why researching on the social aspects of life in a place like Siaya will only benefit other people if it is comprehensive, multidisciplinary and action oriented.



Social sciences share something in common. They do not come in separate boxes of economics, politics, history and sociology, for example. Furthermore, science is inherently biased. 'Science is, after all, practiced by a community of scholars who are given financial support in order to discover the truth' (Pelrich 1989 p113). For example, population science has been described as bogus in nature, and that 'in the absence of a precise relationship between population growth and any particular set of economic, social or cultural outcomes providing scientific support for particular policy agendas is only a form of 'witchcraft'' (Grimes 1998 p377). Grimes has rightly pointed out that 'the World Bank has cleverly redefined the "population and development" sector as "population and women" thus making invisible the destructive impact of its policies on the lives of Third World women and ironically appearing as a champion of women's rights' (p349).

In this thesis, women and men are assumed to be equal human beings. Why then should human beings be born to differences in entitlement to motherland, just because of their sex? The reason can only emerge from the hidden agenda of development economics in relation to the Third World. This agenda, just like the land question in Kenya, is also historical. That is why I have used the historical plain method basing my arguments on historical facts. I have not used the normative hypothetical method because, as Locke warned us:



“we should *not take up any one* [hypothesis] *too hastily*” until we have examined the particulars, made experiments, and found substantiation for the hypothesis. A hypothesis must never be confused with a principle, an “unquestionable truth” for a hypothesis “is really at best but a doubtful conjecture” (Redmann 1997 p66).

I have tried not to base my argument on hypotheses which are very unclear. My approach is historical in that it examines events through the twentieth century. It is also economic because it examines the effect of a specific action (land consolidation) that was taken for the sole purpose of colonial economic development. In this sense, it is economic as well as historical. Commenting on the relationship between history and economics, Setterfield (1998 p525) argued that

[t]he indigenous nature of change associated with increasing returns brings to the fore the importance of time in economics, whereby the present and future cannot be understood without reference to the past. How variables behave depends on what has gone before. History matters, in contrast to “equilibrium theory” where the exogenous variables are given and assumed unchanging through time and where everything can therefore be predicted with certainty in advance.

First, we have already seen that change in the relationship between human beings and land was continuing in Africa before the coming of the Europeans. In other words, in addition to the fact that land consolidation was imposed on Africans by Europeans we have to remember that natural change in man/land relationships was also going on in Africa. I am aware that poverty and social inequalities also existed among African societies before Europeans came. But we must be clear of the differences. For example, some diseases like leprosy and ulcers existed in Africa before the Europeans came, but the real killers like small pox do not have their origin in Africa.

Second, the argument that Europeans helped to arrest poverty in Africa must also be challenged. The cost that Europeans had to incur for arresting poverty in Africa cannot be compared to the price that Africans had to pay for being enslaved, colonised, impoverished, loss of their land and being put on harm's way in European First and Second World Wars. Furthermore, Africans lived in their motherland with their poverty, and even their landlessness, until structural poverty was imposed on them.

Certain new categories of the poor were created by colonial rule and economic change. They were groups impoverished by land alienation.... All these developments ... did not outweigh the underlying continuity of structural poverty in colonial countryside (Iliffe 1992 p143).

This argument is about Europeans imposing structural poverty on Africans and trying to justify it as development. Here is where sociology can help us in understanding the hidden agenda behind development economics. Why was land consolidation imposed on the native people as if land can also trickle down from the possessed (settler) to the dispossessed natives? Didn't the natives of Africa and India have to fight colonialists because of their right to their motherland?

The colonial government imposed land consolidation on the native communities in Kenya because it was interested in economic gain of the Europeans rather than of the natives. It was that *same* Europeans' economic benefit that was turned inside-out and became known as development economics in the Third World. Development economics can be interpreted as a tool used for imposing market fundamentalism in the Third World despite the fact that '[t]here are really no such things as "pure"

markets - markets that can be understood solely in economic terms' (Prusak 1998 p138). Whatever economic models try to make people believe, the old saying that 'you can fool some people sometimes but you can't fool all people all the time' (Molho 1997 p10) still applies. According to him, colonialism is just another economic idea, like free-riding, which is built on lying and cheating.

Have women of Kenya received any specific economic benefits from the West since colonialism? 'Economics and ideology undoubtedly provide the backdrop to any explanation of gender oppression but ...these structures are continually recreated by actors, both male and female, who assume the inevitability of bureaucratic solution' (Wragg 1989 p261). According to Koczberski (1998 p597)

[a]ssociated with colonialism were fundamental long-term changes to indigenous social and political structures, land tenure, land use and labour patterns, resulting in profound disruption of whole societies. Although young men were the main target of colonial governments' interventions (as a cheap labour force), the impacts were often more widespread, with men and women affected in different ways. Women, as the main food producers and nurturers, and in some areas, the main generation of wealth, felt much of the brunt of colonialism. Land degradation, enforced relocation, commercialization of agriculture, labour migration and weakened precolonial trading links all put tremendous pressure on women's ability to meet their expected responsibilities

Structural poverty in Kenya is currently very scaring. A recent report by the British aid agency, Department for International Development (DfID) found that 42% of Kenyans live below the national poverty line and 50.2% live on less than 1 dollar a day. Surprisingly, Kenyans do not have any policy action programme to deal with poverty, apart from those imposed on them such as 'population policy [which] is

based on ideological rather than technical considerations' (Grimes 1998 op cit. p346). Kenyans have ever been cheated by the colonialist version of history into forgetting the root cause of their poverty. Their search for the causes of underdevelopment has been directed to other marginal issues as 'over-population' and 'environmental degradation'. This argument is developed further in the thesis.

The long term impact of Western underdevelopment was always felt in the Third World. First, Christianity did everything to change customs and traditions of Kenyans and failed. Second, another indicator of poverty in rural Kenya is the frequency of AIDS deaths. What worries me is whether other races living in Kenya, like Asians and Europeans, also die from AIDS at the same rate with the Africans. Where are the statistics? Third is the Asian question. Since Asians were brought to Kenya around the beginning of this century, they have had a lot of influence among the rural communities in Kenya. But since Asians were not allowed by Europeans to own land in Kenya, their small scale agribusiness's could not last. After independence, they started migrating to bigger urban centers like Kisumu, Nakuru, Mombasa and Nairobi.

The total effect of these imposed factors is more poverty for native Kenyans. That is where development theory has failed Kenyans, especially the rural people of Siaya. Africa will never gain from the intrusive Western cultural imperialism because the



‘western culture has developed a high degree of immunity and imperviousness against influences from other cultures except in areas where these are inevitable corollaries of its exploitative activities’ (Tangwa 1996 p185).

[T]he belief that ‘might is right’ [and] ‘knowledge is power’ leads to a pervasive desire to know everything, to co-ordinate everything, unify, harmonise, control, commercialise and monopolise everything. Western culture has a big mouth and very small ears. Even when it condescends to listen to other cultures, it does so within the framework of ‘searching for spices’ and specifies both what it wants to hear and how it should be said. ... Since Industrial Revolution, western culture has laboured under what ... has [been] called a ‘transcendental pretence’ ... that is, a strong impulse to present western ideas, whether optimistic or pessimistic, *sub specie universalis*, if not *sub specie aeternitatis*, and as the only rational and universally valid ones (ibid. p185).

The biggest challenge to the future of Africa is the extent to which Africa will have to continue bowing down to transcendental pretence. What humanity wants is equality, development and peace.

I have suggested that land consolidation was a deliberate colonial instrument used for underdeveloping the indigenous people of Kenya. How did that instrument of policy come into being?

#### **0.1.1 Land Consolidation as Policy Action?**

Land consolidation was an instrument of underdevelopment policy in Kenya. I will adopt Dillon’s (1988 p10) definition of policy as a

series of ongoing understandings built up by political administrators over time, understandings left to run where practicable, repaired where necessary, and overturned where they are desperate.

This definition of policy will enable us to understand why Kenya has no land policy and politics in Kenya is based on land. Land consolidation was an understanding built



up by colonial political administrators over time, repaired (where necessary) by the Land Adjudication Act of 1968, and left to run wherever applicable until it was 'desperate' and had to be overturned by economic exigencies in 1995. Kenyans just did what they were told after consensual decolonisation. What they did not know was that consensual decolonisation was 'essentially Janus like: simultaneously looking at both international and domestic contexts, and continuously mediating between the two' (ibid. p11). This means that the land issue in Kenya had to accommodate both foreign and local interests. The problem with this policy is that foreign interests were purely economic while local interests were not only economic, but also social, historical, cultural, and geographical. As Kenya continued to become an agricultural country of few land grabbers, her natives became poor landless squatters.

Kenyans have now got to live painfully with their government which inherited and adopted a very bad policy whose source they both (Kenyans and their government) did not know. Shleifer (1998) gives three sources of bad policies which I find useful here. The first is 'politicians' desire to control property so as to use it to gain political support' (p240). That is, in my view, why Kenya retained the colonial institutions such as Commissioner for Lands and District Land Adjudication Officer. 'The second source of bad policies is politicians' interest in personal income, namely bribes' (ibid. p240). That is why Kenyan policy makers currently do not know where they stand and where they sit with regard to the issue of land. The 'third reason for bad policies is the confusion of politicians - their using wrong models in the economy, and even more important of the government, in making policy proposals' (p240). Although I agree

with Shleifer that '[c]onfusion of policy makers is universal' (p240), I believe that this argument presupposes an elected government as the source of bad policy. In the Kenyan case, the source of this bad policy (land consolidation) was not the same Kenya government as development economists may want us to believe. A question yet to be answered: How long will Kenyan policy makers remain confused about this policy in their country?

Land is the bottomline of poverty and policy in former British settler colonies like Kenya, Zimbabwe and South Africa. The need for land redistribution in Kenya has been tried many times, *without success*. First, it was a recurrent theme in much liberal and left-wing political and economic analysis on Kenya. Second, it was also revisited by the 1972 ILO report *Employment, Incomes and Inequality in Kenya*. Third, the World Bank has tried to emphasise the need for redistributive land reform to Kenyan policy makers and failed (Gibbon 1993).

Why can't Kenya take policy action on her own land issue? Because supporters of economic inequality still continue to confuse the Kenyan policy makers with the outdated and irrelevant economics that 'individual property rights spur growth through increased credit resources, higher security of investment, and the increase in land area controlled by the most efficient farmers' (Pinckney and Kimuyu 1994 p2).

These advisers know very well that every native ethnic group in Kenya has its own traditional tenure systems, but they still tell Kenyan policy makers to do nothing about inequality before land in Kenya. As de Anda (op cit. p8) pointed out, 'there are different types of private property: individual, co-operative, corporate and condominium (the latter being the approximate modern equivalent of many indigenous communal land arrangements)'. Kenya policy makers should tell these economists that Kenyans have the right to own their land under any of these alternatives.

In brief, Kenyan policy makers are still confused, selling Kenya internationally as a free market while the rural subsistence farmers are getting poorer. They will have to take action because, they are the ones who have the duty to weigh the cost of action now against the price Kenyans will have to pay for inaction. There are three issues which they will have to deal with. First, they will have to lead Kenyan men and women in the struggle for their land as Kenyans, not as separate ethnic groups that were already divided and ruled for generations. Nairobi will have to look London in the eye, even if it means another Lancaster Conference in London or in New York.

After finishing with the first battle, the second battle will begin. Kenyans will then have to fight for *gender equality before the land* and remove different local traditions like male inheritance, and cultures like circumcision that victimise women or men on the ground of sex. Third, they will again fight against the hidden agenda behind Western NGOs that have been let loose to discreetly get involved in their strategic

matters. They will also clarify the role of the local (Local Authorities) and international community (foreign Governments and intergovernmental organisations) that participate in shaping their lives and their future. The fact that these participants in Kenya's local and foreign affairs, i.e., NGOs, Local Authorities and the international community, are so central to poverty, land and gender issues in Kenya needs some explanation too.

### 0.3 PARTICIPANTS IN MANAGING THE EFFECT OF LAND CONSOLIDATION AND GENDER DIFFERENTIALS IN KENYA

The three battles above are being fought concurrently at the continental level. Harare is now fighting the first one to balance local and tribal rights to substantial areas of land against market competition for land, while Nairobi is still confused. However, there has to be a balanced or partnership solution. The second one starts at the local level, and is the one of most interest to this thesis. The third one has been fought for a long time, in fact since the white settler came to Africa. A clear line needs to be drawn between the fight for equality about land and other movements of *social contestation* that express a revolt against the forms of living imposed by capital in full-blown expansion: alienating work, the patriarchal family and militarisation (Amin 1990).

In fact the church, at the start, was emphatically a 'non-governmental' and even 'anti-governmental' civil organization, whose members thereby expressed their determination to regulate social issues in accordance with their religious faith (ibid. p186)



This thesis is not in support of any of these ideological camps: Greens, Reds or Blues, or any denomination as such. Most northern NGOs come to the Third World as charities. We know that charity begins at home. The important question is: How do the Third World governments know the hidden agenda of those NGOs whose motherland is elsewhere?

One headache for Third World governments is foreign NGOs involved in policy in Africa. In almost all cases, what these NGOs tell African governments is: *This is what you ought do in service of your people, but since you have failed to do it, we are doing it here and now.* But what they should tell governments is: *This is what you ought to do in service of your people, we are ready to assist you with the necessary resources to do it. Can we start now?* The governments should still be able to say Yes or No. These NGOs should only confine themselves to emergency assistance and projects which locally meet the practical needs of ‘people’ such as water and infrastructure. They should not involve themselves in strategic issues and government responsibilities such as policies to provide services in education, health and defence.

With respect to Central Governments, pre-colonial African governments must beware of the role that their former European colonial powers are now playing in the international scene. Firstly, Britain and France are permanent members of the UN Security Council. They are also major donors to African development. Secondly,



Europe is becoming one, socially, politically, economically and even militarily. If quick action is not taken, time may run out for Kenyans. Kenyans must be very clear of the prevailing prospects for alternative policy action to deal with the land issue and poverty in their country.

#### **0.1.3.1 Prospects for Alternative Policy Action to Eradicate Poverty in Kenya**

Kenyans must thank the British people for the general elections of May 1997. I am yet to learn of any British government or any other government of a developed or donor country that had declared a commitment to ethical foreign policy. My (wrong) understanding of ethical foreign policy is also golden: *Do unto your neighbour what you would rather be done to you*. In this case, the neighbour is a foreign or another government.

There is another reason why the people of Kenya need to thank the British people for the election. Never before had a British Minister told the Government of Kenya that Britain's main interest is the welfare of the ordinary Kenyans. Never before had a British High Commissioner to Kenya spoken out clearly that Britain's donor support to Kenya will only go to community development. The ball is now in the Kenyans' court. It is up to them to get complete ownership of their land and end the first battle as stated above. The sooner this is sorted, the better for both Kenya and Britain's commitment to eradication of international poverty.

Second, Kenyans and all Africans must be awake to the fact that they are now living through the First United Nations Decade for the Eradication of Poverty, 1996-2006. UN General Assembly Resolution No. 52/193 reaffirms further that all Governments and United Nations System, in particular, the relevant funds, programmes and agencies, should promote an active and visible policy of mainstreaming a gender perspective and use gender analysis as a tool for the integration of a gender dimension into the planning and implementation of policies, strategies and programmes on poverty eradication. The same Resolution also emphasizes that, in developing countries, rural development remains central to poverty eradication efforts, and this often includes agrarian reform, investment in infrastructure, extension of rural financial intermediation ensuring food security, better education and greater utilization of appropriate technology, ensuring fair prices to provide incentives for agricultural investment, and increasing productivity, including productivity in the informal sector. Furthermore, Kenyans must be aware that the quiet revolution is on now (Annan 1998). As will be shown later on, these efforts of the United Nations and the British DfID are central to this thesis.

The gender struggle for equality before land must therefore be sorted out. This is where ethical foreign policy will be needed. The most appropriate policy option for the current British government is to help Kenyans deal with the social question by empowering the local societies in Kenya to become active societies. The only acceptable route for reaching local and rural poor communities as far as land issue is concerned, is through local authorities in the lead and others, such as NGOs behind. I

believe that only elected governmental structures like Parliaments and County Councils have the *moral right* to impose policy decisions, like land consolidation or diffusion on people.

That is the main reason why research for this thesis was confined to Siaya District. Local government is also a way of benefiting from both traditional (tribal) and modern (national) ways of governance. For example, why did the British colonial government decide to reserve some land, called native reserves, for the Kenyans to live? The main reason that emerged was to establish a reservoir of cheap labour for use in European settler farms and in the urban sector. It also served the colonial interests well to keep the *tribal* identity of the *native* Kenyans for the sake of divide and rule within the framework of a command economy. That is the social connection between the national struggle and the gendered struggle for land that Kenyans now face. The colonial government knew very well that the national struggle for land would trigger migration of the landless men into urban areas and enclaves as cheap labour, while women would remain behind still rooted in tradition and backwardness. It is now up to the Kenya government to manage the boundary between native Kenyans and their tribal identities for the sake of equality, development and peace. Africans will not eradicate poverty before first ensuring peace.

Africans should also know that there can't be economic development without social development. That is why colonialists deliberately disrupted pre-colonial social relations in order to ensure social dependency on them. Social relations at local level

are natural and depend on the good use of social capital which naturally exists in the community. They are natural because the main element of social development is language, which is the main vehicle of negotiation, information, communication and education in the community. Consequently, there can be no development in a community that is not dependent on the mother tongue. It is through the mother tongue that people and societies express their hopes, fears, sage philosophies, and their policies. Otherwise, Kenya will remain a social dependency until Kenyans realise that social development starts at the local or district level.

Siaya District is a case in point. Firstly, Siaya town now stands at the point where young men from Alego Location used to be assembled by Chiefs and then collected to go to Wars or to work for Europeans. Different clans of Alego like Karuoth, Kakan, Kogelo, Kadenge, Boro, Kamlag, Kalkada and many others, were affected. This is the way the British imposed both land and gender battles on Siaya people. Secondly, Siaya town now stands at the centre of Alego Location which is the original home of the Luo ethnic group. The original version of the Luo language, customs, traditions, and ways of life are still found within Siaya district. That is why Siaya is a classic example of a local government as well as a community that is crying out for ethical approach to development. That is also why Siaya District is the centre of study of this thesis.



## 04 OVERVIEW

What approach have I adopted? This thesis represents a combination of many social science disciplines, especially sociology, social policy, anthropology, politics and economics. The fact that the thesis is a factual and realistic construction of a historical case makes history a central discipline in constructing the main argument. Furthermore, the thesis is intended to show the need for action, realism and an ethical approach to research. It is opposed to unethical rationalism, blind hypothetical approach, and economic and statistical quantitativesness for the sake of it. It is not a study in feminism, women-in-development or gender issues. If anything, I am a sceptical feminist. I agree with Richards (1980) argument that some feminists tend to shoot themselves in the foot. I am also on the side of Plato's argument for equal treatment and consideration for women and men, as human beings, all the way. I am distinctly in support of African philosophy and personality as a rich source of relevant knowledge for the future development of the whole world.

Chapter I is a historical analysis of land distribution and the status of women and men in Kenya. Chapter 2 is a theoretical and comparative analysis of land consolidation and gender in sub-Saharan Africa. Chapter 3 examines the extent to which land is a determinant of differentials in the status of women and men in Kenya. Chapter 4 is a report of the field work. Chapter 5 is mainly a discussion of findings from the field including some further reporting on findings from the field. Chapter 6 is a proposal on what should be done about the effect of land consolidation on the differential status of women and men in Siaya, in Kenya and in Africa.



This thesis draws from both primary and secondary data. Primary data came from four sources. First were the intensive interviews I carried out in Siaya, Nairobi and Bristol with those women and men who were knowledgeable in the issues under field research. The second was the questionnaire I administered to a small sample or cross-section of women and men in Siaya. The third were the focus group interviews I held with different groups of people in Siaya. The fourth was my own participant observation of administrative land court in Siaya, as well as the life of women and men in and outside Kenya. Secondary data were necessary for synthesis with the primary data into a coherent whole. Sources of my secondary data were carefully selected with advice from specialists of different persuasions and also represent the width and breadth of the case under discussion. Finally, the general argument in the whole thesis is that land is a public property and should not be put under private control. In other words, land is **not** a private property.

## **Chapter One**

# **LAND DISTRIBUTION AND THE STATUS OF WOMEN IN KENYA: AN HISTORICAL BACKGROUND**

### **1.0 INTRODUCTION**

Any European who has happened to be in Nairobi city center on a working day, especially in the last two decades, may experience what s/he will never forget. Noise! Everybody is looking up to the sky and shouting at the top of his/her voice: God! Jesus! Savior! Come, Come, Come! It is a very big noise which goes on every working day. One may think that people are going crazy in Kenya. Even worse, the tourist who happens to be around the Norfolk Hotel, near the former Royal Technical College and the Central Police Station is advised to be careful of tear gas! The University of Nairobi students may be reacting again while Kenya Police are always in pursuit of their zero tolerance policy!

Does history repeat itself? Isn't the Norfolk Hotel exactly at the point where the first native public meeting in Kenya was trampled upon by the colonial police in 1922? The tourist would be right to be scared. What is happening in this city? What is the future of this country? But if these questions were addressed to a native Kenyan I would imagine answers like: *This is the fruit of the seed you planted here at the*

*beginning of this century. It is our history and our heritage. Perhaps, it is at least a chapter in your history too.* Arnold-Baker's 'The Companion of British History' (1996 p758) defines **KENYA** as follows:

(1) highlands were inhabited partly by agricultural tribes of which the Kikuyu (much the biggest), the Luhya and the Kamba were Bantu speaking, and the Luwo Nilotic. The Rift Valley was occupied mainly by Nilo-Hamitic pastoral tribes of which the most prominent were the Masai, Kipsigi and Turkana. The coastal tribes were agricultural and much affected by Islam through contact with the Sultanate of Zanzibar, where European traders and squadrons touched for water on their way from and to India, or for cloves and slaves sold there in abundance

This chapter is about the legacy of colonialism and the future of Kenya. In section one, I will examine the importance of history as well as some theoretical connections between land and gender. In section two, I will emphasize the importance of history in understanding levels and differentials of human inequality in Kenya. In section three I will present a brief history of **settler colonialism** in relation to indigenous land rights in Kenya. In section four, I will examine the socio-economic development of Kenya in relation to gender, landlessness, and settler colonialism. In section five, I will discuss the nature of British colonialism in Kenya. Throughout the chapter and beyond, I will examine other conceptual issues as and when necessary.

## **1.1 LAND AND GENDER: AN HISTORICAL AND THEORETICAL OUTLINE**

### **1.1.1 The Importance of History**

There are three reasons why it is difficult to write about land consolidation and gender in Kenya without an initial focus on history. First, 'the exact time and way in which an event occurs is crucial to that event having the identity it does' (Humphreys 1997 p4).

Second, '[h]istory... is...the result of causal patterns of processes which combine to produce particular trends and developmental trajectories' (Hall and Gieben 1992, p104).

History so infuses the present and sets parameters for the emergence of the future that any social science that does not place it at the heart of its explanatory system is doomed to deliver woefully inadequate accounts of whatever phenomenon happens to be under scrutiny (Henderson et.al. 1992 p5).

Third, in understanding Third World politics, Leys (1996) agrees with Bayart (1993) that the concept of 'historicity' is important. This is

the idea that politics must always be understood as a moment in a complex and very long term story. This story can be understood ... in three possible ways: as the story of a 'civilization'..., as a story of a system of inequalities (caste, class, age, etc.) or as a story of a culture - or as a combination of all these.... The analysis of politics must therefore...try to link 'the collective work of the production of the state to the subjective interiority of its actors' (Leys 1996 p40-41).

I want to argue that the current differential status of women and men in Kenya is a result of Kenya's colonial history. 'Kenya was one of the African 'colonies of European settlement', in which Europeans became involved in land ownership and agricultural production as well as administration' (Mosley 1991 p270). Note that Nairobi was founded in the central highlands of east Africa, where 'the indigenous communities [Kamba, Kikuyu and Maasai] were (hitherto) largely untouched by Europeanising influences' (Tignor 1976 p1).

Three factors that were used by British colonialists to determine the current social inequality in Kenya were missionaries, administration and land (ibid.). The missionaries came with Europeanization, i.e., the determination to force Africans to abandon their own way of life and adopt the British way of life. The colonialists also brought administration as a conscious determination to manage the contradictions caused by the 'white presence' and make it appear developmental and good for Africans. Then the settlers started coming and taking away as much land as they needed. These are the main historical factors that determined the current gender differentials in Kenya. I will discuss them in more detail later in this chapter. First, I want to briefly discuss the theoretical determinants of the 'status of women'.

### **1.1.2 Status of Women: A Theoretical Outline.**

This chapter is based on the assumption that Third World development has to be gender sensitive in order to have long term positive effects on all. Many authors have attempted to define gender in different ways. The definitions can be grouped into seven conceptual areas: Women's Autonomy, Patriarchal Structures, Position of Women, Women's Productive Value, Gender Inequality, Women's Roles and Female Economic Dependency. According to the United Nations, the 'status of women' indicates the position of women in society including the amount of control they exercise over economic, social, domestic and political spheres - and the esteem accorded to them and the amount of autonomy they enjoy.



These attempts at defining gender have one thing in common, i.e., to make women's participation in economic, political, social and domestic spheres explicitly visible. If we take Assogba's (1986 p3) definition of status into consideration, we find that the concept of status is also multidimensional, hierarchic and dynamic. Assogba defines status as *'l'ensemble des relations egalitaires et hierarchiques qu'un individu enterient avec les autres membres de son groupe'*. Since equality implies egalitarianism, we need to go further in our search for the best way to conceive gender inequality. Satz (1995), gave two important dimensions of gender inequality as first, inequalities in the distribution of income, wealth, and opportunity and second, the mechanisms through which women are treated as unequal with men. The first one concerns income inequality between women and men, job segregation, poverty, especially among female headed households, and unequal division of labour in the family. The second one concerns negative stereotyping (women are thought to be less intelligent than their male equals), unequal power (violence against women), marginalisation (from roles which convey self-respect and meaningful contribution to society) and stigma (attached to women when they become victims of rape, for example).

All these aspects of gender and status need to be considered. Only then can gender become a concrete element of policy making. However, some demographers in sub-Saharan Africa have concentrated primarily on the relationship between the status of women and fertility (Mhloyi 1988). This essentialist approach, e.g., higher fertility means lower status, may also be a way of understanding the status of women in particular contexts such as urban areas. But there is need for a balance between rural

and urban based studies in any particular country in Africa. Even the Cairo Conference on Population and Development agreed that raising the status of women is the 'major strand for any effective prescription population control in the 'developing world''. (Mackinon 1995 p222). Studying the factors underlying the status of women in countries like Kenya, with over 75% of population in rural areas should therefore be in accord with the history behind the current population dynamics. A major problem with African population studies is that it has been obsessed with economic and political policy agenda, e.g., to reduce fertility, with no local historical evidence to support the need for the 'policy action'.

This thesis contends that land consolidation is the most historically important policy action responsible for the current differential status of women and men in Kenya. I argue, in this chapter, that land consolidation defied the historical attachment of people to their land and deliberately created a lower status feminised landless class in rural Kenya.

#### **1.1.2.1 Gender and the Status of Women in Kenya**

Settler colonialism also had an historical connection with women's status in Kenya. European involvement in determining the status of women in Kenya started with the colonial disapproval of female circumcision as was practiced by the Kamba, Kikuyu and Maasai (Tignor op cit.). This was because settler colonialists needed a reason to impose their values on Africans and destabilise their cultural systems. Theoretically, however, 'gender, ethnic and racial divisions predate capitalism although it is true that capitalism incorporated them into its economic structure. But inequalities of

gender and race are generated culturally as well as economically' (Bocock 1992 p55). Gender was just a tool for the formation of state and class in Kenya under settler capitalism while 'the imposition of colonial rule disrupted crucial precolonial mechanisms of control over persons in Kenya and inaugurated a period of flux that lasted until the Great Depression' (Lovett 1989 p24). Settler colonialism was therefore a system which generated and institutionalised its own structure of gender inequality based on land, labour and a continuously dependent economy. Clearly, Kenyan dependency on Britain was specifically caused by colonial land policy.

What is land policy and how did it create this dependency? To answer the first question, I agree with Needham (1988 p448) that

by definition, there is no land policy. Similarly, there is no land policy if the public authorities do not use their land instruments, [for example, the means to achieve the goals of development policy] or if they have not found it necessary to give themselves such instruments, leaving "common law, inheritance, and the market to secure an adequate system for ownership, allocation, use and development of land".

In rural agrarian societies, public authority simply means clans or communities that are also traditional holders of land, in common trust for the individual stakeholders. This understanding of public authority can be agreed upon to include local authorities, such as county councils and municipalities. It should be agreed upon in order to warn us of the problem of individual land ownership because

Rousseau advanced the argument that original sin arose with the first man who saw fit to appropriate land from the rest of the community by delineating his own boundaries with stakes effectively pronouncing 'This is mine!' (Ratcliffe 1976 p9)

Any kind of individual land ownership must be checked against the possibility of committing the original sin, which means going against the systems of land tenure that exist in that particular community.

Systems of land tenure embody those legal, contractual or customary arrangements whereby individuals or organizations gain access to economic or social opportunities through land. The precise form of tenure is constituted by the rules and procedures which govern the rights and responsibilities of both individuals and groups in the use and control over the basic resources of land (ibid. p20).

### **1.1.3 The Cause of Landlessness in Kenya**

By definition, landlessness is also the same as relative deprivation (Townsend 1993).

As land reform was going on in Kenya, the poor were deprived land by the rich and the poor took a lower status in terms of landlessness. On the other hand, women were also deprived of land by men and took a lower status than men. Women were therefore more deprived in relation to men. Understanding the political (colonial and administrative), economic (market and developmentalist), the cultural (traditional and African) and the social (policy and democracy) dimensions of relative deprivation is also vital here.

Landlessness was caused by land consolidation, but women's landlessness was exacerbated by the traditions and customs of different ethnic groups in Kenya. We must remember that even



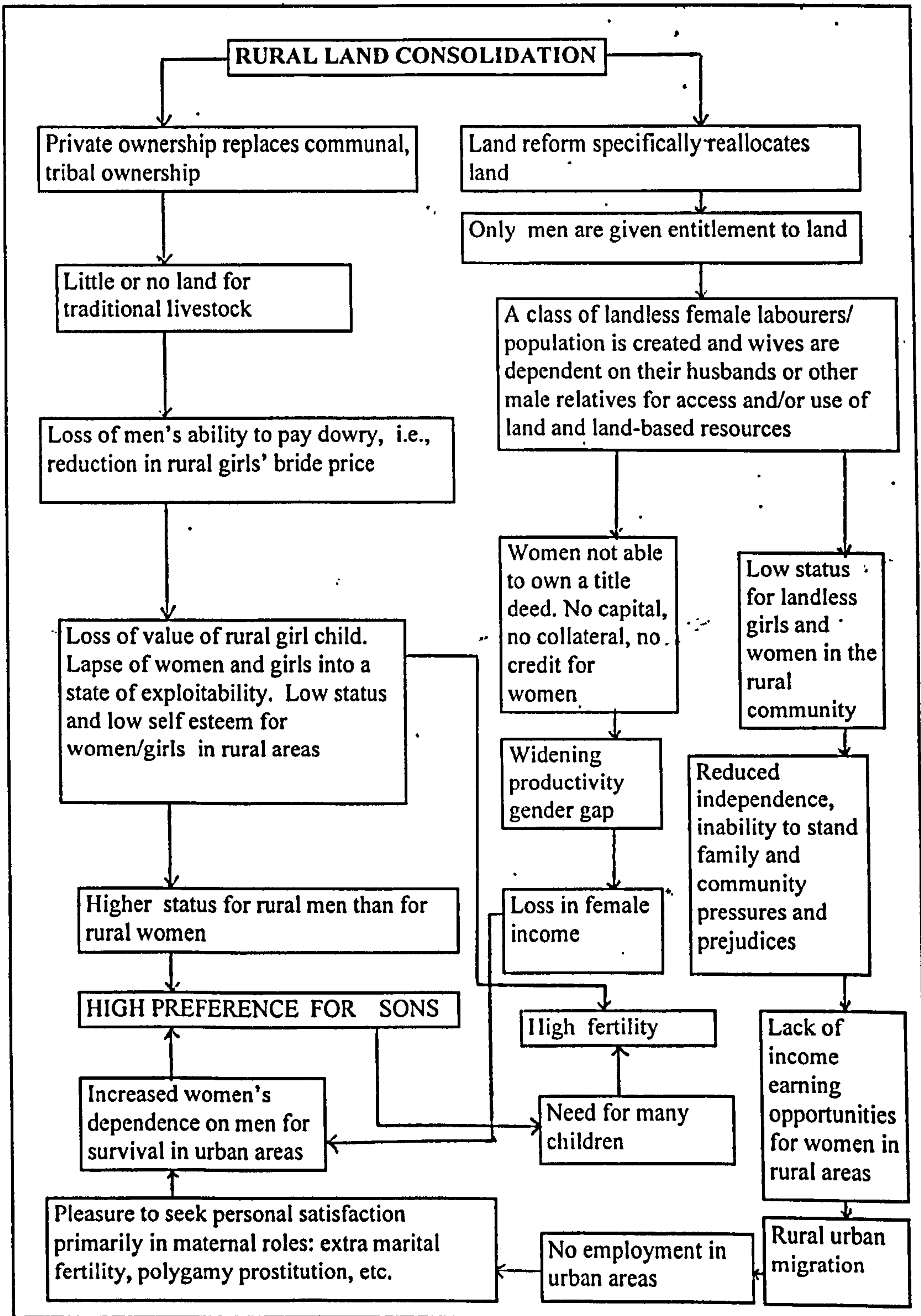
[c]olonial administrators were divided about the desirability of granting individual titles to African farmers, and concentrated their efforts on persuading them to plant cash-crops, to fight soil erosion and, where necessary, to consolidate their holdings. It was only in the mid-1950s, when large scale compulsory land consolidation schemes were initiated in the Kikuyu Land Unit, that serious thought was given to the nature of the title which the owner of a consolidated holding would acquire (Coldham 1979 p615).

But according to the Kikuyu tradition, female children do not take part in the ownership of land. Since the Kikuyu have no system of spinsterhood in their society, women do not inherit land in their father's side, but play their part in the family or clan where they marry (Kenyatta 1961 op cit.). Figure 1-1 below shows the effect of land consolidation on the status of women and men in a rural agrarian economy in Africa.



FIGURE 1-1

LAND CONSOLIDATION AND THE STATUS OF WOMEN IN RURAL AFRICA



It is clear from Figure 1-1 that the main *effect* of land consolidation is that it caused the economic value of women to fall. First, this increased poverty among the people since bride price decreased with landlessness among men. Second, it increased the need for male children thus increased fertility in general. Third, and worst of all, the higher the fertility and the more male children, the more landlessness in the community and the more valueless women become. In Siaya district, the *effect* was that women became valueless because primitive customs and traditions did not allow them to inherit land equally with boys. I will examine the question of customs and traditions later, but for now I want to discuss the historical *cause* of land consolidation. This was based on the origin of Kenya as a colony of Britain.

## 1.2 ORIGIN OF KENYA: A NATION OR A COLONY?

As a colony, Kenya was a 'property' of Britain, first owned by the Imperial British East African Company, then later by a kind of parallel arrangement between the White settler community and the British government. Three different kinds of Kenya have existed that are of relevance to this thesis. These were Kenya before colonisation, during colonialism and after colonialism. From now on, Kenya before colonialism will be referred to as *Kenya*, during colonialism as **Kenya**, and after colonialism as Kenya. In some cases Kenya will be used to refer to any of the three versions.

The reason for referring to the same Kenya in three different ways is to make clear the genesis of inequality and injustice during colonialism. Had Kenya changed its name when it became independent, for example, Southern Rhodesia became Zimbabwe, or Gold Coast became Ghana, the task would have been different. From independence to

date (1998), the political party in power in Kenya is the Kenya African National Union (KANU). Since 'the political power in [Kenya] was in the hands of settler farmers' (Mosley 1991 op cit. p271), it is important to find out what Kenya has done about native landlessness since *uhuru* (independence). In this section, I will examine some ways in which landlessness and poverty were imposed on Kenyans by colonial law.

### **1.2.1 Law and Land Ownership in Kenya**

Julius Nyerere addressed the University of Edinburgh in 1997 and said: 'One thing is sure. The past of peoples and nations is always a part of their present, and the present a part of their future'. Kenyans must therefore understand that British colonialism, which is part of their past, is still part of their present and will remain part of their future. It was during the period when Charles Eliot was Commissioner that the first official encouragement was given to white settlement. From about 1904, settlers began to arrive from South Africa. This was the first of several government sponsored Europeans settlement schemes that were to be a marked feature of Kenya's history. They were soon followed by other immigrants from Britain, Australia, New Zealand, and Canada who, on the whole, brought more capital than their predecessors (Ogot 1974 p253).

The policy of colonising Kenya was only a question of owning land and residential property in Kenya, not of becoming Kenya citizens at the same level with native Kenyans. But who were the real owners of the land in the 'young lion'? This question has to be answered.

### 1.2.1.2 European Land ownership in Colonial Kenya.

In relation to control over land, the British Government had been advised by the law officers, as far back as 1833, that the exercise over the protection of a state did not carry with it power to alienate land contained therein (Ghai and McAuslan 1970). The same Government was advised that unless a right to deal with waste and unoccupied land was specifically reserved in an agreement or treaty of protection, no such right would be allowed in a protectorate. Even in respect of waste and unoccupied land, it was not clear whether it would be alienated. This position represented a major obstacle to colonial authorities because in Africa, no less than in England, *he who controls the land is in good position to influence Government*. Secondly, because if the colonial Government could not grant parcels of land, they would not be able to attract settlers. To resolve this issue, the East Africa Lands Order in Council (1901) vested crown lands in the whole of the protectorate to the Commissioner. In 1902, the Commissioner promulgated the Crown Lands<sup>1</sup> Ordinance which provided for outright sales and leases of 99 years duration, and European settlement in Kenya started in earnest the following year (ibid.).

The significance of this process can be understood in terms of a clear concept of *tenure*.

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<sup>1</sup>Crown Lands were defined as all public lands within the East African Protectorate which for the time being are subject to the control of Her Majesty's Protectorate, and all lands which have been or may hereafter be acquired by Her Majesty under the Land Acquisition Act, 1894 or otherwise.



Crudely simplified, the feudal theory supposed the king by conquest to have acquired an ultimate or radical title to all land within his kingdom. All land was therefore held either mediately or immediately of the King as paramount lord. Each tenant held his land in return for services to be rendered either for the king himself or to some intermediate lord who comprised part of the feudal pyramid of lordship at whose apex, of course, sat the king. A complex medieval tariff of services (and of the valuable "incidences" or privileges of tenure) denoted more precisely the nature of the relationship between the occupier of land and his baron or lord. The tenorial relationship was one of reciprocal obligation (Gray 1996 p236).

Gray (ibid. p237) adds that the *doctrine of tenures* was later to lose most of its practical importance after the eventual dismantling of the feudal system. In England, the beginning of the end came with the Tenures Abolition Act of 1660, although the process was completed - amazingly - only by the Law of Property Act 1922. The concept of tenure as still exists is a uniform tenure or landholding directly from the state (or crown). In all common law jurisdictions, it is pertinent to note that the tenorial concept still persists in the modern leasehold relationship of landlord and tenant in England. Tenure expressed the balance between private claims to land and the elementary emanations of British governmental power, the balance between the citizen and the emergent nation state.

Underdevelopment in Kenya started earlier than the time when *Kenya* formally became a colony. The slave trade was but one aspect of a much more pervasive system of international trade which was ever drawing East Africa into the world market in a distinctly subordinate role (Alpers 1974). Then came the Uganda railway, completed in 1902, and with it the settlers [especially after the First World War] (Cox 1965). It was to maintain a religious influence in Uganda that the railway from the coast was begun and the territory of Kenya came into existence (Wood 1960). But as early as 1897, *individual tenure* was introduced by the Imperial British East African Company (IBEACO), a company initially charged with the administration of the East African Protectorate on behalf of Britain. From then onwards, Kenya had two distinct and separate judicial systems: one to administer the general law established by the



colonial administration, the other to settle disputes arising between members of the indigenous African population (Pfeiffer 1978). Further, in Kenya 'the general law was certain Codes and Acts of India, locally enacted statutes, and - so far as these did not apply - the common law, doctrines of equity, and statutes of general application in force in England on 12 August 1897' (ibid. p40). Henceforth, the development of communal land tenure was halted and the individual tenure, modelled on the English way of holding land was *official policy*. This, in practice introduced a dual policy scenario in which traditional land use systems, based on family ownership, existed in the native reserves while the settler land tenure was individual, and based on agriculture oriented to cash crops (Wood 1960 op cit.).

The basis of colonial land policy in Kenya was, therefore, the acquisition of all fertile land by the colonial government. All the land was, in law, the absolute property of the Crown. No native tribe, chief or individual had any right in land, whether of ownership or of tenure, as against the Crown (Leys N 1922). The British government officials saw East Africa as a country to be occupied, pacified and then administered - that is, order enforced, taxes collected, and justice dispensed, although it is difficult to say who asked them to do so. But the settlers who alienated land from the Africans had neither the knowledge nor the capital to farm it very differently from the Africans on their land. Africans had then to be compelled to work, partly by force, partly by taxation, and partly by preventing them from having access to enough land or profitable crops to enable them to pay taxes without working for wages (Leys C 1975). No wonder that the basic relations of production, land-ownership and the division of *labour*, were left largely untransformed. Outside a few areas of white settlement, African households were induced, through a mixture of coercion and inducement to shift their labour (above all, women's labour) into the production of export commodities, without other fundamental change (ibid.). The motive of development was primarily to export produce to Britain. At least, a reason for this

colonial policy of ruthless exploitation is important to understand. 'The salient fact about Britain is that, more than any other nation, ...she depends on the world market' (Waters, undated). What is the experience of the native Kenyans since 1914?

### 1.2.1.3 The First World War

When the First World War came, Africans were asked not only to fight a foreign war, but also to make heavy sacrifices for it (Ogot 1968 p258). The 1914-18 War, (in which Britain, France, Belgium and South Africa conquered German colonies in Africa) was the first direct occasion for a *gendered differentiation* of the African community under the old imperialism. In East Africa, the conquest of Tanganyika was a protracted and bloody business in which both the casualties on the victor's side alone included deaths of some 4,000 African soldiers and about 30,000 carriers' (Fage 1995 p417). The natives of Central Nyanza District of (Kenya), [part of which became Siaya District in 1967] suffered remarkably as carriers. There was continual demand for men of the carrier corps from Central Nyanza. In one year alone, 1917-1918, about 9,000 men were recruited from the district. In the same year, 2,000 heads of cattle were provided for slaughter (Ogot 1968 op.cit.).

Official neglect of African agriculture lasted until the Second World War after which the British Government required the colonies (settler governments) to be self sufficient in agricultural production (Kibwana 1990 p235). Land reform in Kenya started by the colonial administration's pretence to correct problems plaguing African agriculture in Kenya by the creation of settlement schemes, such as those at Taveta, Makueni, Gedi, Majimboni and betterment schemes which aimed at reconditioning and preservation of land. These schemes were intended to convince the natives that the colonial government was interested in their welfare.

When these schemes failed, the colonial agronomic experts advanced the argument that the best way to correct the problem of land use among Africans was to reform the tenure system (Kibwana op cit.). In the process of reform of the tenure system, the combined effect of geography and politics changed the perception of different ethnic groups as far as land use and ownership were concerned. Differential and favourable circumstances prevailed and were most eagerly grasped by the beneficiaries. For example, Nyanza and Central Province had roughly the same value of marketed output until 1957, after which Central Province drew rapidly ahead, so that at the time of independence, its marketed output from small farms was roughly twice that of Nyanza Province (Hazlewood 1979). It is very important to understand that Central Province, compared to other provinces, started receiving official favourable treatment even during colonial times.

#### **1.2.1.4 The Carter Land Commission**

In April 1932, the Secretary of State for Colonies appointed a commission under the chairmanship of Sir Maurice Carter to consider and report on certain land problems in Kenya. The report of the Kenya Land Commission was submitted in July 1933. It was not until this report that the policy of the exclusion of African rights-holders in the Highlands was authoritatively stated. The Kenya Land Commission recognised that a tribal approach to the allocation of land, as embodied in the Native Lands Ordinance, was the only one practicable at the time, although it was anticipated that this condition would change. The reservation of the Highlands for Europeans by administrative practice was ended by the Land Control Regulations made in 1961 under the authority of the Kenya (Land) Order in Council, 1960 (Morgan 1972).

Much of this is history of rapid change in Kenya as the wind of change was blowing towards independence, and as political influence shifted from the Europeans to the



Africans. The formal opening of the White Highlands to Africans took place in 1960. Under the Swynnerton plan, the colonial government took a major initiative in the two issues of land ownership and land use among the Africans. First, Swynnerton proposed a change of land ownership from customary tenure to individual tenure. This involved the enclosure and registration of existing rights and, where there was fragmentation, the sorting of scattered fragments and their re-assembly in areas around the homestead in roughly the same proportions of kind of land as was held before. The purpose of this was allegedly to give, through individual ownership, the greatest incentive to farmers to change from subsistence agriculture to modern planned farming for money. The second purpose was the provision on these consolidated farms of farm plans and layouts, crop rotation, introduction of exotic livestock on the resulting African small farming systems in order to consolidate the transition from the traditional to cash farming (Carey-Jones 1972).

Swynnerton's plan was designed to be implemented over a period of fifty years, which means that it is still valid in the present Kenya. Initially it received a lukewarm reception by the Africans who simply did not trust the Europeans during the period of the independence struggle. The settlers also did not like it since it they thought it was intended to consolidate the transition of Africans from traditional to cash farming. The Mau Mau uprising and the resulting emergency provided an opportunity to proceed with land consolidation and registration in Kikuyu areas, with the 'co-operation of the people' - since most of the Kikuyu politicians were detained and the opposition to the Government removed. By 1958, for example, consolidation was complete in Kiambu District and by 1959 in Nyeri District (King 1977).

This historical account of the European influence in Kenya is important for understanding of the factors behind the *current* impoverishment of the indigenous Kenyan African population. Three important factors are worth repeating: *first*, the

acquisition of all land by the British colonial authorities, *second*, the recent emergence of Central Province ahead of Nyanza and other provinces in agricultural production, and *third*, the event of Mau Mau as a 'reason' for land consolidation policy in Kenya. The resulting situation permanently put the settler and the native in a landlord tenant relationship. This is another effect of land consolidation on the current status of women and men in Kenya.

### **1.3 SETTLER AND NATIVE OR LANDLORD AND TENANT?**

The general spatial structure was eventually fixed. The fertile highlands in the centre of the colony were firmly in the hands of the settlers. Nyanza Province had fallen behind Central in food crop production. The main challenge now was to manage the structure. How was it done?

#### **1.3.1 The White Settler**

It is important to initially examine the way white settlers managed spatial inequalities in Kenya for their own benefit. This is important because the above structure was designed to last for 999 years. It is also important because '[t]he colonial goal in Kenya was not to create an African state, but rather a "western" state under multi-racial leadership' (Rosberg and Nottingham, 1970 p189). Charles Eliot was very clear about it; 'Kenya was to be the last of the typically British settlements established overseas, after the USA, Australia, Canada, New Zealand and South Africa' (Ogot 1974 op. cit. p253). Furthermore, 'the goal of [that] generation [was] the establishment in East Africa of a new, loyal, white dominion, securely founded on the principles of British tradition and western civilisation (ibid. p253)



The agenda of the white settler was to ensure that Kenya was to remain for ever a dependency. It is highly doubted that this deliberate and conscious effort was made with the genuine hope of enabling all Kenyans to build up some capability for capitalist development in the future. Godfrey (1982) also examined this issue as far as post-independence Kenya is concerned. He found no reason for any hope at all. In any case, the grass had too many roots and the trickle down was bound to dry up before it got to the deepest root.

Kenya is probably the ex-colony in Africa that got the worst of a colonial heritage. Issues in the Kenya Debate have very practical current political implications and the obligation to try to draw up the account of the debate is surely real (Leys 1996 op. cit. p46). The likely alternative to this scenario is a strategy labelled socialist, put forward by the petty bourgeoisie, involving state socialism in industry and trade along lines already broadly charted in Ghana, Uganda and Tanzania (Leys 1980).

#### **1.3.1.1 Colonialism in Kenya: Where was Development?**

The role of Britain in the future of Kenya can never be overemphasised, especially in the context of human equality. I want to use only three examples to illustrate this point. First, consider the way Kenya's national statistical accounting was moulded to ensure that agriculture was securely fixed at the centre of it. This colonial policy resulted in Kenya regarding other sectors such as health, and education as mere social services without social policy to take care of them. A major employer of agricultural

and female labour force, viz.: subsistence agriculture, was conveniently omitted in the Kenyan colonial statistics. However, Kenya still talks of itself as an agricultural country, despite the fact that the ordinary family in Kenya can not even feed itself from the land. Even worse, some observers still deny the fact that the parallel arrangement (dualism) in the agricultural sector, i.e., 'large scale commercial oriented white settler farms and the subsistence oriented peasant sector' (Oruko and Apton 1998) was deliberately designed to underdevelop African agriculture.

Second, Kenya's agricultural policy was deliberately mixed up with politics (Lofchie 1994). While Tanzanian leaders declared a national goal of self-reliance, and the agricultural component of this objective was the principle of food self-sufficiency, Kenya's strategy, on the other hand, was based on the principle of comparative advantage. 'Throughout the Presidency of Jomo Kenyatta (1963-1978), Kenya's agricultural policy makers were strongly influenced by classical economic ideas, holding that a country can best improve its economic well-being by producing the highest possible value of agricultural (and other) commodities for export' (p132).

Kenya still has a political architecture without a sense of responsibility and a capability for independent policy making on land and agrarian issues. The social problems Kenya are currently facing stem from elite ownership of land, i.e., black settlerdom. I agree with Lofchie (ibid. p151) that

Elite land acquisition has been one of the highest priorities of Kenyan public policy since the late colonial period, when the British Government first sought to enable large number of Africans to acquire land on a freehold basis under a program called Land Consolidation and Adjudication. The idea was a simple one: convert the legal basis of landholding for African farmers from traditional tenure to freehold ownership and aggregate scattered communal plots into viable single farms. The stated purpose of this program was thus economic: Individuals who held fee simple title deeds would qualify more easily for development loans because they could offer their land as collateral. The intent of the program was also deeply political- to create a politically moderate class of landowning Africans.

Another problem that stems from this statement is that land policy in Kenya did not change after 1963, and has not changed to date. The central question is: Why did the British Government encourage Europeans to 'own' land in Kenya? Perhaps if we dig deeper in history, we may find an answer.

### **1.3.3 Land Distribution in Precolonial Kenya.**

Misconceptions about indigenous land tenure in Africa that involve the terms customary, communal, traditional, etc., have been used to describe the social arrangements governing allocation and use of land in a way that conjure up images of an unchanging, normative system (Jacoby 1970). A common feature of these misconceptions is, however, that they are usually never related to any time reference. There is no evidence that the ethnic groups were historically static in time and place. The present Luo people, for example, have been referred to as a hybrid population because during their long march, which lasted for over 400 years, (1500 to 1900), the population of the Luo societies increased not simply through natural reproduction but, significantly through a quiet and effective process of cultural assimilation (Ogot 1967).

Slave trade deserves one mention here because it was a European policy action with a potentiality of eventual extinction of the black race. It is difficult to resist thinking that this potentiality was intended.

Ships sailed from Liverpool, Bristol and London carrying textiles, guns, cuttlery, glass, beads, beer and other British manufactures. These were battered for slaves on the African coast. Anything between twenty million and sixty million able bodied Africans were crammed into these ships during the whole period of slavery, under the most oppressive and inhuman conditions, and transported across the Atlantic to Jamaica, Barbados and elsewhere (Wetherell 1996 p182).

That was chattel slavery. 'A slave in the West Indies could never establish a secure household of his own (Persky 1998 p631). By the operation of chattel slavery,

the most meritorious slave who may have accumulated a little peculum, and may be living with his family in some tolerable comfort ... is liable at once to be torn for ever from his home, his family and his friends, and to be sent to serve a new master, perhas in another island , for the rest of his life.

In these ways, the slave owners had prevented the the natural development of families and left their slaves unconnected and adrift. Slave owners had attached the natural institution of marriage. Here was the deepest cost of chattel slavery (ibid p631).

Current demography of Africa should not forget that the slave trade was a particular way in which Europeans determined its historical reality.

Beginning with the Mercantile period, right through the colonial period, and down the post independence years, Third World countries have been oppressed and exploited by their colonial powers... This exploitation has taken several forms and has assumed varying degrees of intensity ranging from the plain plunder and looting to destruction of native industries, and to unfavorable trade terms (George 1988 p19).

Further, another period of turbulence occurred between the end of slave trade and the formal colonisation of Africa. In many parts of Africa, this was the era of tribal wars



as the various groups struggled to make the best of the new opportunities offered by the trade with the Europeans (Osaghae 1994). The social and economic future of Africans was not spared either. When colonialism came in it simply and 'deliberately exploited ethnic differences and failed to negotiate an accommodation between traditional political cultures, while the constitutional orders constructed at independence contributed to the pervasive lack of popular identification with Africa's post colonial states' (Leys 1996 op cit. p90-91).

*Kenya*, like many parts of Africa, consisted of ethnic groups living their lives in their own ways and guided by their customs and traditions. But the way *Kenya* was colonised by the British was also stratified and therefore important to understand. It was stratified with respect to its impact on the people and the administrative regions of Kenya. The effect of settler colonialism on the differential development of Nairobi area and the central Highlands compared to Kisumu and Western Kenya is very obvious. Even within the central highlands region, the Europeans had more impact (both positive and negative) among the Kikuyu than among the Kamba and, lastly, the Maasai (Tignor 1976 op cit.). The Europeans brought change among the Kikuyu through Missionaries (changing the African way of life), money (forcing, and later, inducing *landless* Africans to work), and administration (pacifying quarrelsome Africans) (ibid.).

On the other hand, the Luo and the Luhya of Western Kenya were indirectly colonised. Among the Luo for example money was introduced by the Asian traders



(Hobley 1929). Administration in Siaya District for example came through the use of the Luhya chieftancy to pacify the troublesome Luos (Ogot 1967 op. cit.). There were also more types of missionaries working in the Central Highlands compared to Western Kenya. Understanding contemporary gender inequality in Kenya has to take into account all these pre-colonial circumstances. Further examination of the relationship between colonialism, land ownership and use in post-colonial Kenya is justifiable.

## **1.4 THE YOUNG LION BECOMES INDEPENDENT OR BECOMES A MARKET?**

### **1.4.1 The Lion and his 'Independence'**

This history of land in Kenya has three lessons for theory. First, Africans were deliberately forced into a settler colonial class system. Class antagonisms between the Africans and the settlers could have been avoided through *interpenetration policy* as was aptly suggested (Leys N 1922 op. cit.). Notably, this suggestion was rejected both by the British Government and the British people. Second, British colonialism forced Kenyans into a kind of wage slavery. Ordinary Kenyans were nailed into a subsistence standard of living, expropriated of any property or surplus accruing to their labour, coerced by force or violence into labour and eventually, and robbed of their patriarchal authority and kinship networks (Persky 1998 op. cit.). Third, the colonial state therefore played a key role in consolidating the new social structure in the rural economy of Kenya. The institutional apparatus of the state had a significant impact on class relations between the native and the white settlers (Leys C 1996 op cit.). It was

also the beginning of rural underdevelopment which eventually ensured that women, who form the greater part of the rural population, were confined to the status of the 'oppressed of the oppressed,'

This history has implications for Kenya's future development. The most profound implication is that new, more pervasive dependency has been established in Kenya. This means that class conflict will continue to shape ongoing change in the country. Furthermore, this does suggest that such a conflict will be more likely to be rooted in the rural areas and in the reactions of the power-excluded regions. This underlies the theory of 'impending crisis' in Kenya (Hunt 1984), which is continually fuelled by structural poverty due to land alienation (Iliffe 1992). Further, remember that settler withdrawal from Kenya was one of the most gradual in the post colonial world. Resolving the land question would not only guarantee the continuity of the colonial capitalist economy, but would also stand as a mark of the socialisation (maturity) of Kenya's new leaders in managing the inherited colonial system (Wasserman 1976). Was post-colonial Kenya really supposed to be independent or just a manager of the inherited colonial system?

#### **1.4.2 Independent Country or Just A Dependency?**

The fact that Kenya achieved her independence with a 'Made in Britain' constitution is not important since all former British colonies started their independence status with such constitutions (Mohiddin 1981). What was important was that the Kenyan nationalists, agreed to manage a colonial system as a condition to getting independence. This was a classic marriage of convenience between KADU and settlers on the question of land. Even in 1963, the political party that assumed power,

KANU, was not necessarily united. It was only a winning coalition of nationalist organisations that formed a government (Anyan'g-Nyon'go 1989). How did the new KANU Government start off with the question of land?

In September 1964, President Kenyatta made his famous *Back to Land* speech, during which he said:

Our greatest asset in Kenya is our land. This is the heritage we received from our forefathers. In land lies our salvation and survival. It is in this knowledge that we fought for the freedom of our country. Whatever our plans for the future, they must spring from a resolve to put to maximum production our land, however small the acreage we may possess (Republic of Kenya 1966 p10).

In the absence of a clear policy on land, it was difficult to understand the message of this speech. What was not clear was 'who was being asked to go back to the land, and why'. Since women were the ones who did most of the farming in rural areas, was this speech meant to ask women to go back to the small farms? Was it meant to encourage the job-seekers to 'go home'?

On the other hand, the Kenya People's Union (KPU) Manifesto which appeared later on was more like a policy statement:

This [land] has always been and remains one of the most crucial issues in the minds of the wananchi [ordinary Kenyans]. Our people struggled bitterly against colonialism, not merely because it was foreign rule, but also because it went beyond that to seize wananchi's very source of livelihood. Land has always been at the heart of our struggle. Until the land problem is solved, Uhuru [independence] has no meaning. To millions of people, the end of colonialism meant the return of stolen lands. They have so far waited without satisfaction (Gertzel 1970 p146).

Coming so early after Kenya's independence, Kenyatta's *return to land* call was also an indicator of how serious the Government was on the issue of land. The speech heralded the new priorities which the Government of Kenya was then formulating in its program of agricultural development. This program was clearly spelt out in the Government's Sessional Paper No. 10 of 1965, *African Socialism and its application to Planning in Kenya*. Before the document was even published, the Government had in March 1965, already requested assistance from the British Government for a broad program of agricultural development. The objectives and priorities of this program were to:

1. Establish the pre-conditions for a rapid rise in productivity in Kenya's peasant farming areas, which constitute well over 80% of land now devoted to some form of agriculture. The most important of the preconditions was a basic reform in the tribal system of land tenure, to be accomplished through an acceleration of the process of land consolidation and registration.
2. Provide the resources for a direct stimulus to increased productivity once the preconditions have been met. Such resources were: agricultural credit and educational and supervisory services to farmers.
3. Stabilise and expand the economy of the former scheduled areas, where over a million acres of land which settled roughly 35,000 families, (the Million Acre Scheme) had been transferred from European to African ownership in the previous three years.



The British Government had offered the KANU Government financial aid, additional to existing commitments for land purchase and development amounting to £18 Million during the years 1966 to 1970. Approximately one third of this sum was to be allocated to land purchase and the balance to development projects to be agreed between the two Governments. However, the British Government specifically indicated its willingness to consider financing from within this sum, a further programme for the consolidation and registration of holdings of land, the extent of which would be examined after the recommendations of a joint British-Kenya team of specialists on land survey and registration had been examined. This offer was conditional on the Kenya Government's ability to obtain funds for agricultural credit and to make available the necessary advisory services (Republic of Kenya 1966 op cit.).

Clearly, the British Government took this opportunity to: (a) restrict the sale of land to independent African farmers, and (b) to consolidate remaining settler interests and hence dominate the country's export of cash crops. Consolidation of settler interests was done through the way in which agricultural workers were employed. This reflected three objectives of capitalist development. The first was that the employer was interested in keeping labour costs down as much as possible, regardless of means. The second was because agriculture lagged behind other economic sectors, and therefore the employer wanted to have as few employees as possible in order to hold constant labour costs down. Third, in those agricultural areas where capital accumulation was slow, pre-capitalist, family based production, mixed with wage employment and the proletariat did not emerge. This was the foundation for capitalist



mode of production in Kenya's agriculture which in turn served the metropolitan interests. Colonial capitalism was introduced through *cash crops* (like coffee, tea, sisal), *land alienation* and the changing of *traditional* land tenure patterns (Leitner 1976).

Remember that the main architect of development planning in Kenya, Tom Mboya, had a very clear idea about land tenure reform:

The question becomes more complicated ...when we interpret African socialism in terms of ownership of land. I have already said that the possession of individual land title is an idea foreign to Africa, which has only been introduced north of the Limpopo River during the last century. In the old African concept, land was the property of the tribe or clan, and could never be sold. This concept has been disrupted since the introduction of the money economy... so land titles are bound to come.... But it would be a mistake to adopt this as the standard system for all parts of Kenya. Among other agricultural tribes, like the Meru or Abaluhya or Luo, it would be difficult to introduce land titles universally without destroying the sense of values which the communal system provides (Mboya 1963 p170).

This background information is also essential to a full understanding of how the needs of the majority of native Kenyans were handled during the transition from colonial to independent Kenya. The action of the British government resulted in an accelerated process of destruction of the traditional land use systems in the tribal areas and the creation of a cheap agricultural labour force in rural areas. First, the emerging differentials in the status of women and men, and hence underdevelopment of the mass of Kenyans became clearer. Second, the argument Kenya was the first Black African country to opt decisively for individualised land tenure (King 1977 op.cit)

cannot stand. It is contrary to Mboya's argument above, which was almost the same as Gluckman's (1969 p252) argument that

when we say that a particular group of kinsmen owns land, we are also saying that all the members of that group have claims to exercise certain rights over that land, may be equally with one another, may be varying with their status.

Kenya's native farmers, being Africans still hold their land under indigenous, customary tenure systems, whatever the formal legal system might be under national law (Bruce 1994). The aim of the KANU government was progressively to acquire the surplus lands of the settlers for redistribution to African families to cultivate as medium sized family farms (Sobhan 1993).

A few policy issues come out clearly in the foregoing analysis. First, the KANU Government started off by merely talking about the importance of land to the people, but eventually continued with land consolidation in the spirit of the Swynnerton plan. Second, discrimination continued with respect to land consolidation when women were excluded from inheriting land, and with respect to agricultural labour force in plantations when they were paid less than men. Third, by suppressing alternative, policies, 'KANU put an end to attempts to change the Government's agricultural policies by organising a political movement capable of removing incumbent elites from office' (Bates 1981 p107). Fourth, the KANU government was then hooked (by the West) into a dependency on development planning. Development planning

is defined as “the conscious effort of a central organisation to influence, direct, and, in some cases, even control changes” in the principal social variables “...of a certain country or region over a course of time in accordance with a predetermined set of objectives” (Dubnick 1980 p197).

The West knows very well that they are the beneficiaries (not ordinary Kenyans) of the Nairobi centred development planning. That is why planning is based on general themes (see Table 1-1 below) with no significance to Kenyans. Is it surprising that the themes have yet to be specific about *land* and *women*?

TABLE 1-1: THEMES OF NATIONAL DEVELOPMENT PLANS IN KENYA

PLAN	PERIOD	THEME
1st	1964/66-1970	Redistribution with Growth
2nd	1970-1974	Rural Development
3rd	1974-1978	Employment and Income Distribution
4th	1979-1983	Alleviation of Poverty
5th	1984-1988	Mobilisation of Domestic Resources for Equitable Distribution
6th	1989-1993	Participation for Progress
7th	1993-1996	Resource Mobilisation for Sustainable Development
8th	1997-2001	Rapid Industrialisation for Sustained Development

Source: Various national Development Plans of the Republic of Kenya

### 1.4.3 Colonial Land Policy and Women in Kenya: An overview

One aspect of this history of land use has been neglected. To what extent were women recognised during the colonial period? In order to answer this question, it is best to examine the British settler and colonial history with regard to women in general and the Kenyan women in particular. First of all, colonialism has often been seen as a primarily masculine project, consisting of white men subjugating and civilising 'natives', also male. European women were the 'inferior sex' within the 'superior race' and had an entirely different experience of colonialism compared to African women (Waylen 1996).

The majority of European women who went to the colonies did so in their capacity as wives, either of colonial officials or of settlers, such as farmers in Kenya. The presence and protection of European women was often used as a justification for the clarification of racial lines and the strict control of the colonised, particularly colonised men. For example, while the sexual abuse of black women by white men was not classified as rape, the fear of the 'black peril' swept through Papua New Guinea, Rhodesia and Kenya in the 1920s and 1930s, resulting in 1926 in the imposition of the death penalty for black men who 'raped' white women (ibid.).

Hobley (op cit. p20) also stated that 'the success of the colonialists depended on the adaptability of their wives more than may be believed. ...The women can, therefore, play no mean part in the building up of the colony, and they will prize their success no less than the men'. But African women can also equally prize themselves. They were the ones affected by the colonial policies designed to encourage their men to migrate to European farms and leave them alone. Reluctant men were forced out of the reserves both through taxation and by fining or even dismissing the chiefs who did



not supply them with sufficient young men. The long term absence of many husbands meant that many women in Kenya played important roles as *de facto* farm managers. The Luo women, for example, responded to the withdrawal of male labour and the need to maintain a certain level of food production and other family problems, through economic innovation, particularly in terms of agricultural crops and techniques allowing them to spend more time trading (Waylen 1996 op cit.).

Since there were still fewer employment opportunities in the formal sector, were women not the ones restricted to rural areas since it was assumed that men were only in urban areas temporarily as wage labourers? When women defied colonial restrictions and moved to urban areas, didn't they have to support themselves through informal small scale businesses which were often illegal? (ibid.). Finally, a typical English colonialist's opinion about the African woman is noteworthy. 'The position accorded to its womenfolk is a fair index to the worth of any society' (Wilson 1952 p77). This is correct, and I agree. But Wilson continues: 'By this criterion primitive African society stands utterly condemned: the state of the women was dreadful. Evidence of the miserable position of women in past times in Kenya is to be found in all the records of the early pioneers'. It is difficult to place this statement in a time frame. It is not clear 'which pioneer' Wilson was referring to. Could it be the slave trader, the merchant adventurer, the missionary, the colonialist or the settler? Was every white person a pioneer? Could an African person also be a pioneer?

#### 1.4.4 African Socialism and the Land Question in Kenya.

One of the pioneers of African Socialism, George Padmore, considered it as a general philosophy that meant total elimination of the economic and social heritage of colonialism. Also considered as such were bribery and corruption, and the colonial impact in relation to ignorance, poverty and disease which were not able to promote the aspirations of the people for a welfare state with their well-being at heart. This was the true meaning of nationalism in the context of African Socialism which ensured equality between women and men in the African context (Friedland and Rosberg 1967). The starting point in economic reconstruction of a newly independent state had to be land with its *communal ownership* and production and its element of cooperative self help founded upon the African social base. This is not the same as the colonial small farm system that was designed for the Kenyan reserves by land consolidation. This distinction is important. The Kenyan pattern of development could and was actually compared to apartheid South Africa, when the two states were considered to qualify as sub-imperial states- meaning that the development of capitalism in those two countries had reached a stage where the countries may be, or were being, used as facilitators in the capitalist conquest or capitalist incorporation of the contiguous states (Khapoya 1984).

Socialism was therefore a non-starter in Kenya. It lacked both official support from the bureaucracy and political support from KANU. It was only used by KANU to head off the radicals' image within the party (Anyan'g-Nyon'go 1989 op cit.). A major problem was that KANU was unable to come out clearly on land. In that case, could it be possible for the KANU government, since there was no difference

between KANU and the government of Kenya, to chart out a clear future where everybody is equal before the law? Which law was this? Could Africans be historically equal before a European colonial (land) law? This begs the question of the law and the history of land in Kenya.

#### **1.4.5 Law of the Land in Kenya**

One of the cornerstones of modern society is the legal apparatus that sits as an appendage to the state. It is, among other things, through the state law that the state legitimises its control and its use of physical coercion. An understanding of the modern world thus necessitates an understanding of law as a living institution (Chambliss 1973). This is true, especially in relation to colonial agrarian law and land structure in Kenya. The assertion that colonial agrarian law was sectional and fragmentary in scope does more than to simply state the dual character of the economy. It suggests that there were two levels to the question of structural underdevelopment. At the territorial level, colonial decision makers made no attempt to devise a regime of land holding and land use that would relate the reserves to the colonial economy as a whole. This sectionalism was not just an organisational error; it was a political blunder for which the settler economy had to pay heavily in the 1950s (Okoth-Ogendo 1991).

Since colonial times, land distribution in Kenya has strongly been related to law and how the customary and statutory laws relating to land have evolved. Within the

context of the legal sources of the exercise of power by the British government in Kenya, two issues are most relevant. The first is the jurisdiction over the indigenous population, and the second is the control of land. The general rule, (until 1880s), in countries in which the British Crown exercised foreign jurisdiction over its own subjects was that, unless a treaty provided otherwise, subjects of the local ruler remained under his [the ruler's] exclusive jurisdiction (Ghai and McAuslan 1970 op cit.).

I have shown how the colonial authorities used the law to obtain full control over land in Kenya. Necessarily, provision had to be made as to where the Africans could be *allowed* to live, cultivate the land and look after their animals, and also be encouraged or, if necessary, required to work for the settlers. This was the foundation of the current agrarian law and public administration in Kenya. It was characterised with four clear phases. First was the inauguration of the dual mandate (1902-1921) which was characterised by the law of European settlement after the First World War, the law of African Reserves (comparable to Bantustanisation in apartheid South Africa), and the law of agricultural labour which gave rise to the squatter problem (comparable to male labour migration from the surrounding states into South Africa) (ibid.).

Second was the consolidation of the dual policy (1922-1939) which ensured the security of the European settlement (by among others, the Crown Lands (Amendment) Ordinance, 1938 and the Kenya (Highlands) Order in Council, 1939); and the



creation of the African Reserves divided into Native Lands and Native Reserves. The third phase came in after the second World War and lasted till independence. This phase was characterised with a 'changed' emphasis on the nature of the land question in Kenya. This was also the phase of consensual decolonisation within which the settler interests in land had to be accommodated in Kenya. The fourth phase (which explains why KANU continued with the colonial land policy) was the consolidation and continuation of The Plan. The inherited duality was then renamed modern agriculture, i.e., large farms and traditional agriculture, which was confused with small farms designed by The Plan. In order to modernise traditional agriculture, the KANU Government continued with land consolidation. For the masses, the land question in Kenya was perceived as land consolidation. But for the elite, it meant land ownership. The dissatisfaction and reaction of the masses led to an open conflict: Mau Mau.

#### **1.4.5.1 Mau Mau and the Land Question in Kenya.**

It is important to see the difference between the concept of land in terms of Mau Mau and in terms of Kenya as a whole. For example, Rosberg and Nottingham (op cit. p352) argue that the quantity of Kikuyu land alienated for white settlement, as contrasted to the Masai was relatively small, although in ecological and social terms, the Kikuyus could least afford to lose land. The myth of stolen land that emerged as the rallying cry for the Kikuyu masses was of slight appeal to such groups as the Luo and the Luhya (ibid.).

The fact is that a state of emergency was declared officially in Kenya on 20th. October, 1952, and lasted until 1959. By the end of it, the official casualty figures were as follows: 1153 'terrorists' killed, 2585 captured and 2714 surrendered; 95 Europeans killed (35 civilians) and 127 wounded; 29 Asians killed (26 civilians) and 48 wounded; 1929 'loyal' Africans killed (1819 civilians) and 2385 wounded. With the capture of Dedan Kimathi, the Mau Mau war was virtually over, although the emergency was not officially ended until January 1960. Mau Mau had cost the colonial Government some £55,585,424 and the lives of 13,547 people, less than 100 of them white. The war was over and the settlers had won it (Best 1979).

The settlers won the war but Kenya still attained independence because the Africans won the argument. The nationalist political struggle was started primarily for independence while Mau Mau was an uprising in demand of stolen land. At some stage, however, these two issues were merged in the high politics of Kenya. Mau Mau then became an independence struggle. Mau Mau was also another victory for the colonialists, since they managed to divide the African nationalists on the issue of land, although the Africans barely *managed* to speak with one voice at the first Lancaster Conference in January 1960 (ibid. p204).

The division on tribal lines pitted the Kikuyu-Luo ethnic groups on one side, and the other ethnic groups on the other side. This division served the colonial interests well because the KADU side were made to believe in the possibility of the 'dominant' tribes expropriating the land of the subordinate tribes. The genesis of political

division among Kenyan Africans as well as the origin of multiparty politics in Kenya was land. On the other hand, 'land consolidation, as a political policy tied to the maintenance of the colony's rigid agrarian colour bar, was doomed to fail' (Rosberg and Nottingham op cit. p307-308). When independence came, land consolidation ceased to be a political issue to Africans. What came to the fore was the economic merits of land consolidation as a far-reaching measure of agrarian reform.

The gender dimension of armed resistance in Africa cannot be ignored. There has been no armed war in history which excluded women, in one way or the other. Mau Mau was no exception (Kanogo 1990). According to Kanogo, women often used the opportunity of gathering firewood to pass information and food supplies to freedom fighters, especially in the areas bordering the forests. Kanogo also maintains that there was no gender discrimination among the fighters because merit was the most important factor for leadership. All the factors discussed in this section; dependency, marginalisation, subordination, armed resistance were all about land. This was the lesson Kenyans learnt from British settler colonialism. Was there something special about British colonialism in Kenya? This issue needs further examination.

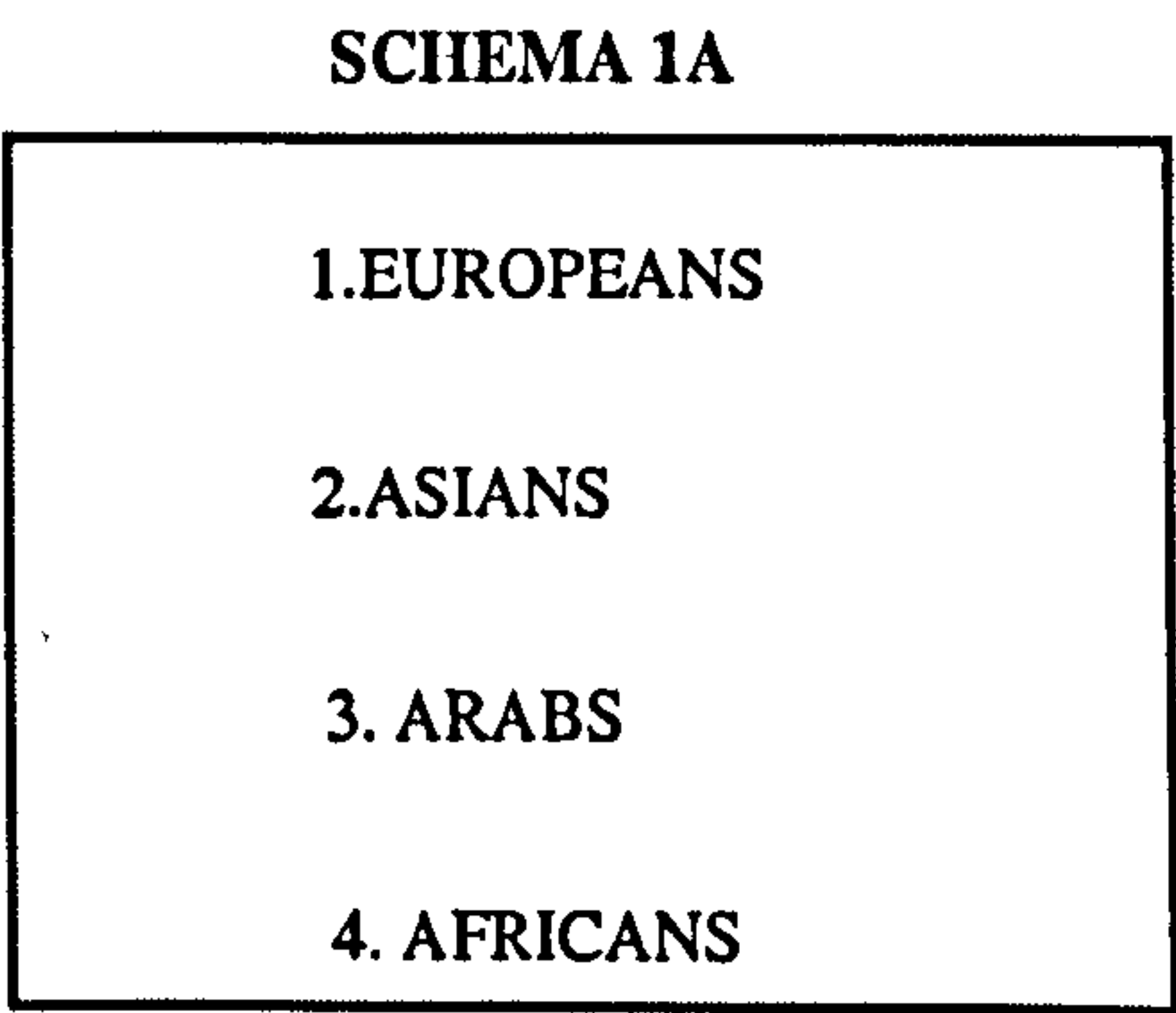
## **1.5 THE NATURE OF BRITISH COLONIALISM IN KENYA**

There were two parallel forces at work. First was the **imperial** force that was legally in charge of the colony. This was the force that came to impose itself on the African customary and traditional systems. Second, there was the **settler** force that came in

when IBEACO gave up responsibility for Kenya. These two forces operated in parallel and in some cases in confrontation until independence in 1963. It is important to understand their roles in the underdevelopment of Kenya.

**1.5.1 Kenya: A Multi-racial or Multi-ethnic Society?**

It is also important to understand why colonialism intended to make Kenya a *multiracial society*. Assuming that Kenya was a multiracial society, then the spatial distribution of Kenya would look like schema 1A. In the case that Kenya was a multiethnic African society, then the spatial distribution of what now constitutes Kenya would look like schema 1B. The crucial question is: ‘Which schema is giving us the real picture’?



The composition of African ethnic groups in Schema 1B is not necessarily in any order. It is known that before colonisation, the major ethnic groups that were living in Kenya, Luo and Kikuyu or Kamba and Luhya, for example, did not care about one another. Even when they were taken to go and fight the World Wars, they just went as Kenyan soldiers, not as tribes from Kenya. Clearly, the British could not and did not want to drive the natives away from the colony. They needed them, especially their labour. But the people they happened to find in the ‘young lion’ were the ones in



schema 1B. Then there was the question of the British deciding to colonise and to settle in Kenya. This had a lot to do with European settlers in Kenya.

**SCHEMA 1B**

All 40+ African ethnic groups that live in Kenya such as Kisii, Pokot, Luo, Kamba, Kikuyu, Luhya, Dorobo, Masai, Mijikenda, Kipsigis, etc.

**1.5.2 Was Colonial Kenya an African Motherland or a European Settler Society?**

British colonialism in Kenya had three major characteristics: labour, settlerdom and land. Again, each of these characteristics had a gender dimension. It is important to understand that settler colonialism could not succeed without forcing Africans to become cheap labour. It is also important to note that labour is labour, whether it is provided by women or men. The need for labour force also involved some kind of labour migration. This is where women lost their status as men were encouraged, or forced by the local chiefs to work in the European plantations while women were left behind.

In those agricultural areas where capital accumulation was slow, pre-capitalist, family based production, mixed with wage employment and the proletariat did not emerge. This was the fate of most of Kenya that was outside Nairobi area, Central Province and the White Highlands. This was the foundation for capitalist mode of production in Kenya's agriculture which in turn served the metropolitan interests. Colonial capitalism was introduced through cash crops, land alienation and the changing of traditional land tenure patterns (Leitner 1976 op.cit).

Even after Kenya's independence, differentials remained in the wage rates of African female and male agricultural labourers. The wage rates paid in the four branches of agriculture (sisal, tea, coffee and mixed farming) differed remarkably, up to 100% for the same type of work. The task allocation and the combination of various wage rates were left to the discretion of supervisors and managers (ibid.). In Tanganyika, just before the Maji Maji war broke out in 1905,

the loss of men's labour especially as protectors of fields, threatened food production at a time of drought, and left fields vulnerable to invasions of wild pigs and other predators. Women responded to the threat of famine ... by increasing their labour output, by reshaping cropping patterns and by obtaining medicines to protect their fields and to bring rain (Sunseri 1997 p238).

## 1.6 CONCLUSION

This chapter has presented the various ways in which history can help us to understand the cause and effect of land consolidation on the differential status of women and men in Kenya. It has also highlighted three areas of serious concern for

the future of Kenya: settlerdom, administration or bureaucracy and the missionary or the Church. The way in which land, underdevelopment and religion currently occupy the centre stage of Kenyans' lives is important for understanding the future survival of Kenya as a nation. As Amin (1990 p187) said,

[t]he African and the Asian are denied their history, their culture, their language and also - often - their religion, by three centuries of Western-centrism and a century of imperialist colonization. Does the Western left, which boasts the principle of 'proletarian internationalism' for the most part not in fact prefer 'solidarity of the European nations'?

I have dealt with the legacy of settler colonialism in some detail because a proper understanding of the settler colonial history is unique and therefore important. It is the corner-stone of the current socio-economic and political architecture on which the future of Kenya rests. When Kenyans properly understand this history, they will be able to deal with their exclusion from their common property, they will also realise that their tribalism and the Asian question are creations of Britain - in order to keep them under perpetual economic dependency.

I have also stated that there are two dimensions to the land question in Kenya: *ownership* and *reform*. This is a question of exclusion of the landless labourers, the vulnerable and the poor majority from the benefits of development and the fruits of independence. It is a real concern for the colonised native, the rural poor and the socially excluded who now live at the fringes of Kenyan society. They are the victims of multifaceted determinisms and fundamentalisms that are simultaneously religious, racial and feminist. They are found *within themselves* in terms of their differences in

sex, in literacy levels and age. The only thing they have in common with those in schema 1B is that they are also human.

This chapter has been a call for a recognition of the real problem that a greater majority of Kenyans face: sex inequality before land. It is a question of being excluded from the only individual and family lifeline because of one's sex. It is now time to put the debate into a broader theoretical context. This is the main task of Chapter 2.



## **Chapter Two**

# **LAND AND GENDER IN SUB-SAHARAN AFRICA: A THEORETICAL AND COMPARATIVE ANALYSIS**

### **2.0 INTRODUCTION**

History and class consciousness are never a finished business. In Chapter One, I spelt out a concern with the historical aspect of land distribution in Kenya. Now I want to examine both issues, land reform and differential status in a broader and comparative perspective. To start with, I will make comparisons between and within different regions of sub-Saharan Africa plus a good content of history and class theory. Secondly, I will broaden the spatial base of my argument in order to assist understanding of what lies behind the current differential status of women and men in Africa. Implicitly, this is the best way of representing the situation in Kenya from a different perspective and to show concern for the future of Africa.

This chapter will be divided into five main sections. Section one examines those conceptual and theoretical questions that need to be answered in order to shed some light on the relationship between land and gender in sub-Saharan Africa. I will start with the theory of equality and then discuss the politics of inequality and its relevance to Africa. Section two discusses theory of gender and feminism and its relevance to Africa. This will be an attempt to shed some light on the differential status of African

*women and men* in Africa. This will be necessary background information when I examine the logic behind class consciousness in Africa and the question of European African gender relations in contemporary and historical terms. Section three will discuss the European settler colonialisms in sub-Saharan Africa. It will discuss the Portuguese and the French colonialisms and then the British. Section four will discuss the effect of European culture on gender and class consciousness in Africa. It will examine the politics of underdevelopment and alienation in Africa through the medium of European languages. Having discussed the theoretical and comparative issues, I will need a fifth section to examine any hopes left for African women and men with regard to their equality before their national heritage, i.e., land and land rights.

## **2.1 UNDERSTANDING LANDLESSNESS AND GENDER INEQUALITY IN SUB-SAHARAN AFRICA: THE ROLE OF THEORY**

### **2.1.1 Theory and Equality**

Current inequality in Africa can be explained by use of theory. '[T]heory is always for some one and for something. Theory always serves some purpose and never exists in a vacuum. It is inevitably the product of a certain historical period and circumstances, a reflection of a certain point in time, of a particular social and political order (Hoffman 1987 p237) '[T]heorizing is [also] the surest and most expeditious route to understanding' (Rosenau and Durfee 1995 p4). In order to understand the basis of human inequality, one has to start by theorising because 'theorising is founded on

rules...for transforming raw observations into refined hypotheses and meaningful understandings' (ibid. p5).

The fact that human beings are either female or male does not theoretically have any relation to their differential status because all women and men share a common humanity. We must therefore look elsewhere for any differential in the status between women and men. One 'place' to look for the differentials between women and men is gender and feminism. I agree with Carver (1996 p117)<sup>1</sup> that 'gender is not a synonym for women [but] ways that sex and sexuality become power relations in society' which means that gender *inequality* is basically a matter of differentials in *power*. Gender as power relations is the way to understanding 'the extent to which women occupy disadvantaged positions in traditional economic and social arrangements' (Sen 1995 p259). My argument is that nations such as Kenya and societies such as Siaya are also economic and social arrangements in which gender as power relations operate. Power relations in Kenya and in Siaya are also gendered.

On the other hand, feminism must emerge from the silent majority. These are

the women who are most victimised by the sexist oppression; women who are daily beaten down , mentally, physically and spiritually- women who are powerless to change their condition in life. They are the silent majority (Hooks 1984 p1).

According to Hooks,

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<sup>1</sup>Note that in the absence of a thoroughgoing approach, what underlies both equality and gender is the same, i.e., is power relations.

[w]hite women who dominate feminist discourse today rarely question whether or not their perspective on women's reality is true to the lived experiences of women as a group. ... Racism abounds in the writings of white feminists, reinforcing white supremacy and negating the possibility that women will bond politically across ethnic and racial boundaries (p3) (my emphasis).

At the heart of gender and feminism is one issue, social exclusion. But since the changes that are required to move towards a situation of equal opportunity are deeply rooted in the economic and political environment, 'it has become increasingly difficult to write about women as a group' (Pascall 1998 p192). For example, if land consolidation is effected in a given society, justice will not have been done if some people eventually become landless, now **and** in the future and for whatever reason. There will therefore be an increasing need to address both economic and political questions. Some questions will continue to demand answers. For example, who, in Siaya at present, is responsible for past injustices caused by land consolidation, the victims or the perpetrators? Where do the descendants of those whose situation was made worse by land consolidation go for justice? How far back do we go in history in our attempt to trace the root cause of this problem?

Some of these questions can not be ignored. If we ignore them, our children will have to answer them. If current injustices are real, then past injustices are also real. They are as real as wounds that were inflicted in the past and are not yet healed. Waltz (1997 p913) says that '[r]eality is whatever we directly observe'. If justice is to be seen and reality is to be observed, then justice is reality. If land consolidation was a



(legal) reality, was it socially justified? It was not because it did not portray the values of social justice. Quoting Beveridge, Flew (1997 p116) argues that

[t]he values of social justice are ... the equal worth of all citizens, their equal right to be able to meet their basic needs, the need to spread opportunities and life chances as widely as possible, and finally, the requirement that we reduce and where possible eliminate unjustified inequalities

Let me use two examples to illustrate the argument.

### **2.1.1.2 The Agrarian Creed**

The concept of Agrarian Creed, as the driving force that, irrespective of time, place, and civilisation, has guided and still guides, directly or indirectly, the peasants way of thought. Though often obscured by local myths and legends, the Agrarian Creed is universal. It is so strongly entrenched in the hearts of tillers that it has become the recognised expression for the diverse ideal solutions to rural situations and has encouraged the weak to fight their oppressors. Being universal, the concept of Agrarian Creed applies everywhere in the world, including Africa, Latin America and Asia, irrespective of any form of oppression and exploitation mankind has had to undergo in time and place. Of particular interest here is the formulation of the Creed by an old Nigerian Chief: *I conceive that land belongs to a vast family of which many are dead, few are living, and countless numbers are still unborn* (ibid. p89). How does this African perception of land compare to that of the European?

### **2.1.1.3 African Land and British Nationalism: Reality of Life or Just a Matter of Definition?**

This definition of land also compares, almost word for word, with a 'British' definition of nationalism. Edmund Burke (1729-97) a famous British political philosopher,

talks about society as a pact between those living, those dead and those yet to be born. It is, for Burke, a union among all generations that can not be lightly changed or broken. The nation is something, for Burke, that is for all eternity (Sergeant 1978 p19).

Note that '[a] conceptual framework standing alone cannot provide explanation, but, in the absence of a deductive theory, such a framework is extremely important for interrelating explanatory propositions when a broad and complex macro-level topic such as political change is to be explained' (Scarritt 1980 p2). The best way out of this is to adopt one of Rawlsian principles of justice that 'each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others' (Mueller 1989 p411). This is a definition that I agree with since it is realistic.

### **2.1.2 Realism and Equality**

It is also possible to dismiss the argument above as mere rationalism. Frohock (1997 p833) says that 'one can be rational and wrong', but Dow (1997 p80) quotes Redman's definition of critical rationalism as 'espousing "tolerance, honesty, commitment to the advance of science above personal advance and to the freedom to exercise criticism, a willingness to listen and learn from others, and so on"'. Rationalists still believe in the omnipotence of science as the ultimate source of all the answers to life.

Realism, on the other hand is a broad research program that contains a host of competing theories (Walt 1997). Realists begin with some general assumptions such as: states are the key actors, the international system is anarchic, power is central to political life, etc. It is therefore more useful in understanding international relations (ibid.). But George (1995) says that realist scholarship has only considered the egoistic liberal thing-in-itself, and the anarchical warring god in itself. This is a one sided problematic from which realist scholarship constructed the egoism-anarchy thematic. It is therefore necessary to counter this one-sidedness by a kind of politico-ethical attitude evident in Foucault's injunction against the universal intellectualism of those traditionally engaged with theory and practice (ibid.). If rationalism is more useful in understanding international relations, then why hasn't it helped us to understand African relations with the West? Furthermore, isn't universal intellectualism being one sided by not talking for the oppressed, the poor women and men in Africa, dying everyday from famine and poverty?

How is the modernist God-like status compatible with the current Western driven globalisation that is deliberately snatching the Third World the right to self determination? 'A central tenet of 'globalisation' is that multinationals can move their capital whenever they want, so thwarting attempts by governments to control them or of workers to improve wages and conditions' (Harman 1996 p2). How can governments in a globalized Third World be responsible for the poor, the women, and the landless? I agree with (Varshney 1997 p1) that '[p]ostmodern views have serious

implications for research on postcolonial societies and ‘subaltern’ groups such as women, tribals, peasants, and minorities’. Will they ever be able to speak for themselves if they do not have the right to self determination?

This argument was necessitated by three reasons. First, it brought out the two sides of theoretical divide in social science: the realist and the rationalist divides. Second, it demonstrated the problem with imposing irrelevant Western concepts such as postmodernism and globalisation to the Third World. Third, it gave me a context for theoretically situating the balance of my argument. I must repeat that it is not possible to get away with injustice, past, present and in the future. In this regard, it is important to note what Bauman (1976 p16) calls ‘Tocqueville’s summation of American democracy: what the few have today, the many will demand tomorrow’. I now turn to examine the theoretical relevance of gender and feminism to Africa.

## **2.2 GENDER, FEMINISM AND THEORY: ANY RELEVANCE TO AFRICA?**

A major problem with rationalism is that it is not verifiably possible to use one’s particular capacities to help others speak for themselves. This particularly depends on what is meant by *capacities*. Capacity as ‘a specified position or function’<sup>2</sup> has a connection with gender as power *relations* discussed above and also as *individual* power irrespective of sex. I am here referring to power in a relative sense and also in

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<sup>2</sup>This is the sixth of ten definitions of *capacity* in the Collins Concise English Dictionary, 1992 page 195



absolute sense. Before I examine the implications behind this definition, it is necessary to throw some light on the theory behind gender and feminism.

### 2.2.1 Feminism in Theoretical Perspective

Feminist theorists, particularly those that are class conscious have also been critical of rationalist approach to feminism and empowerment. 'Instead, African-American women [particularly] have overtly rejected theories of power based on domination in order to embrace an alternative vision of power based on a humanist vision of self-actualisation, self-definition, and self-determination' (Deveneaux, 1996 p233). Lovibond (1994) also argued that women should refuse to take on trust the account that science and philosophy have given of themselves in the past. Women should beware of 'the crisis of rationality' which 'consists in a confrontation between the thinking subject and the fact of his own materially conditioned status - a fact for which there is no obvious means of assimilation into a cognitive enterprise that aims to transcend historicity and local perspective' (p75).

The main argument here is that women should not simply be like 'bourgeois feminists' - or better still, - 'women's-rightsers', within the existing social order because 'such feminists make women's juridical rights ... the be-all and end-all of their movement and program, *by detaching the question of women's rights from the basic social issues, by making it a separate question*' (Draper and Lipow 1976 p180) (emphasis in original). 'Women's activity must link up with all the questions that are

of pressing importance for the general movement of the proletariat. The main task surely is to arouse class consciousness among women and involve them in the class struggle' (ibid. p199).

This debate has relevance to Africa and to the developing World in general. I find this relevance in two examples from history. Firstly, '[h]istorical studies indicate that the most ancient of all gods (in Pharaonic Egypt, for example) were female. [But this] was a reflection of their status within society before the systems characterised by the patriarchal family, land ownership and division into social classes came into being'(Saadawi 1980 p92). The rise of these systems saw the gradual fall of the status of women over a period of time although vestiges of the matriarchal system continued to survive in the feudal or slave societies such as that of the Pharaohs (ibid.). Secondly, 'legal systems related to family structures, inheritance and the naming of children are also a reflection of the socio-economic relationships in society' (ibid. p92). Economic life in the early stages of human history was dependent on very simple and restricted activities, such as picking fruits and nuts, fishing, hunting, etc. These simple activities required humans to lead a continuously nomadic life in search of food. This form of life left no room for a surplus and private property was out of question. In the absence of private property, people were not divided into classes, into rulers and ruled. They were all equal members of the community (ibid.).

In comparison to Africa, we can draw two parallels from this example. First, there are currently many ethnic communities in Africa that still live with simple 'communal

economics' of hunting, fishing and gathering fuel wood, picking fruits and vegetables, etc. Secondly, the system of inheritance, as shown in Figure 1-1 is very typical of many ethnic communities in Africa. In both cases, privatisation of common property leads to disinheritance of women and inheritance by men and subsequently, a patriarchal class based society.

In sum, two generalisations arise from this discussion on theory and feminism. The first one is that there is very little difference between Foucaultian feminism and bourgeois feminism. Both are rejected by feminism based on realism. The second one is that the need for integrating individual women's capacities, irrespective of race and class in the process of social awakening is the only option that is realistic and can stand the test of time. I now want to discuss the theory behind gender.

### **2.2.2 Gender in Theoretical Perspective**

The debate on theory and gender is also a debate of sexual power relations. Fraser (1996) strongly argues that *theory itself* should be debunked.

The whole theoretical enterprise is problematic in a deeper sense. In its objectivism, (which is only men's subjectivism) in its abstraction, in its partiality disguised as universality, in its failure to be sensitive to concrete practicalities, in its construction of facts which are false to realities, in its oppressive nature, theory is *male* or *masculine*, and 'theorising' is a male activity (p171) (emphasis in original).

Within particular contexts of feminist discourse, feminist movement in the UK, for example, has been caught up in a dispute about the dominance of middle class values (ibid. p174), a case against bourgeois feminism. However, 'theory can not be gender

neutral. An acceptable theory must not be masculine in the same way theories in the western tradition too often have been; but theory must be gender sensitive' (p180).

The question of gender equality *per se* can be complicated. Gender equality in real life comes down to the question of 'female human nature' - an issue originally discussed by Plato and Socrates. 'Plato has been portrayed as a bold precursor of modern feminism, a ruthless oppressor of women and the "female voice" and a complete ironist' (Forde 1997 p657). Socrates, on the other hand launches on the difficult subject of gender equality arguing that there is a single, genderless human virtue, and justice requires that it be developed and made use of wherever it is found (ibid.). In brief, modern feminism has been very interested in the ideas of Plato and Socrates on gender. However, my centre of interest in theory here is related to three strands of feminist philosophy mentioned by Lennon (1995). First are those Marxists and critical theorists who have argued for decades that much of contemporary culture reflects *bourgeois interests*. Second are those theorists that Lennon calls 'Southern scholars', who have pointed to the *Eurocentricism* of contemporary knowledge production. Third are the theorists of *postmodernism*, who point to the contingency and locatedness of all our knowledge claims. The locus of human inequality in Africa is therefore currently dangling inside ideological triangle bounded by three variables: Capitalism, Eurocentricism and Postmodernism.

I have hardly come across literature by African or Third World women scholars on the theory of gender and feminism. By 'Southern scholars', Lennon must have referred to



people from the South blaming Europe or the North for their bourgeois feminist interests. Perhaps she meant American women 'of colour'. I agree that postmodernism *ceteris paribus*<sup>3</sup> must be attractive to North American or European women 'of colour' because postmodernist writers like Foucault, Derrida, Lyotard, etc., 'argued against the faith in universal reason that [was] inherited from European enlightenment philosophy. They rejected stories that claimed to encompass all of human history... and proposed a social criticism that was ad hoc, contextual, plural and limited' (Hartsock 1996 p40). These, in my view, are the attributes that European and American writers of colour, including Africans, complain about.

At this point, gender and feminism meet with theory and relevance as they work to determine the differential status of women and men in Africa. When these values and theories are exported to the Third World, they do not go to operate in a *tabula rasa*. They find the indigenous and existing *values and theories*, called customs and traditions that already operate and keep those 'primitive' societies going. The 'clash' between the two types of values and theories is phenomenal. Understanding this clash is important for understanding the significance of Europe, and especially, Anglo-saxon determination of human inequality and class consciousness in Africa. Relying on the lessons I have learned from this history, I now want to examine some specific cases of European relationships with Africa.

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<sup>3</sup> with other things being equal

## 2.3 COLONIALISM AND HUMAN EQUALITY IN AFRICA

There is no way in which the history of human life in Sub-Saharan Africa can be delinked from European colonialism. According to Williams (1993 p103),

History permits us to interpret colonialism as a fascinating example of nineteenth century liberal notions superimposed on the *anciens regimes* of Africa, Asia and Latin America. High ideals and even higher profit levels, determined the extension of European influence over newly conquered territories of the far flung empire, regulating the interaction of a world system of core, semi periphery and peripheries. The 'accidents' of European Balkanisation produced a diverse pattern of multi-ethnic colonies whose transition to independence is one of the most squalid and tragic episodes in world history.

'For African countries, it is unfortunate that a national tradition can not be manufactured overnight. There is at least one factor that can be used to help manufacture a national identity - the colonial experience' (Sergeant 1978 op cit. p26) (my emphasis). A point to start from is land because European colonisation in tropical Africa disturbed the equilibrium between Africans and the land (King 1977 op. cit.). The colonial experience is critical to modern Africa because of its strong impact on the present socio-economic situation in Africa. The incorporation of tropical Africa into European Empires is generally held to have been not only the most significant process of recent decades in a relative sense but also in an absolute sense with its radical, indeed revolutionary impact on society, economics and politics (Hodder-Williams 1984). But '[t]he colonial bureaucracy was a "political organization"' without a legitimate constituency. It was both unrepresentative and unresponsive - the two hallmarks of undemocratic social systems' (Oyugi 1988 p102).

Colonial inheritance contained two basic concepts alien to Africa, nation states and boundary lines (Griffiths 1995). These factors emerged as the major determinants of human status and land reform in post-colonial Africa. I will examine three specific examples: the Portuguese, the French and the British.

I must clarify that my understanding of Africa in this context is synonymous to pan-Africanism. defined as

Africa as the homeland of Africans and persons of African origin, solidarity among men of African descent, belief in distinct African personality, rehabilitation of Africa's past, pride in African culture, Africa for Africans in Church, and state and the hope for a united and glorious Africa (Bhola 1990 p16).

We are aware that European colonialism effectively disrupted African's understanding pan-Africanism and African socialism for their own benefit. In fact,

[d]ualistic modes of analysis have possessed a kind of intuitive truth in Southern Africa because at a political level, colonial regimes were brutally dualistic and authoritarian. The historical owners of the land were transformed into the 'indigenous', the 'natives' or the 'traditional', their institutions partially maintained yet subordinated to European law, settler culture, and capitalist class relations. Many African cultivators became migrant workers, strangers in one part of their own land, with households divided between reserves, locations and compounds (O'Laughlin 1996 p4).

This was a real nightmare scenario whose aim was to wipe out the African traditional relationships with land. Unprecedented waves of dualistic migration started with men moving to work in settler plantations while women reproduced labour power in native

reserves (ibid.). In terms of age and sex, migration policies were also dualistic. Men were recruited for manual work in their youth and then exiled to reserves with women and children in illness and old age (ibid.). The policy was to separate the husbandman from his land and then make him the labourer in his own land. Despite all these colonial efforts, ethnographic studies in at least nine cases of land holding in various regions of Africa have shown that *individuals had the rights* to use and take the fruits of land they are working (Vanderlinden 1967).

They could also dispose of it freely except that:

- i) the rights could not be transferred to a stranger (settler), unless that stranger joins the political community which has superior rights over the land, be it tribe, kinship group, village, or family, and
- ii) land could not be sold traditionally (ibid.).

Does this help us to understand the agenda behind the current Anglo-American interest in family planning and population studies in Africa? An examination of other 'models' would greatly help understanding the *reality* behind the colonial land and population policy in Africa.



### 2.3.1 The Portuguese Colonialism

The Portuguese were the first to launch a series of European footholds on the African coasts. The first visit by Portuguese ships at Malindi, *Kenya* was on 15. April 1498. This was able to bring sub-Saharan Africa into closer relations with the rest of the world than ever before (Fage 1995 op cit.). Strangely enough, the Portuguese claimed that they had certain historical experiences and social practices that gave them a unique ability to co-exist with peoples of colour. Racial tolerance, hard work, religious faith, devotion to home and family, assimilation of indigenous cultures, and respect for the authority of the Church and the state were the behavioural norms which the Portuguese claimed were widespread throughout their African colonies and were creating multi-racial societies in the image of Brazil (Opello 1980).

The Portuguese are known to have created lasting inequality between the indigenous people in Mozambique. On a spatial or *horizontal scale*, the lasting differentials emerged between the ethnic groups from the North/Central and the South regions inhabited by the Makonde, the Yao and the Tonga, respectively. The northerners considered the southerners as primitive and traditional, while the southerners considered the northerners as aggressive, domineering and corrupt. Superimposed on these ethnic cleavages was a *vertical system* of stratification based upon socio-economic, educational, cultural, and racial factors. At the top were the Portuguese owners of large plantations, large scale business enterprises, top level civil servants, military officers and successful businessmen. Below them were middle level civil

servants, salaried white collar employees, and small farmers who could be thought of a 'middle class'. Although they were largely white, many middle class members were *mulattos* and a few were assimilated Africans<sup>4</sup>. Finally, the lowest level of this minority consisted almost entirely of African assimilants who worked as skilled and semi-skilled wage earners (Opello op cit.). In sum, effects of Portuguese colonialism in Africa are lasting inequalities based on religious, tribal, geographical, racial boundaries and landlessness.

### 2.3.2 The French Colonialism

The French imperialist expansion and rule in Africa was stimulated by the universalist ideals of the Revolution of 1789-notably, *Liberté Égalité, Fraternité*. This vocation in the 19th. century became the *mission civilisatrice*, ultimately linked with French imperialist rule and expansion in Africa. After the 2nd. World War, French policy makers initiated a process of decolonisation *from above* as they came to realise that the ending of formal control need not necessarily be accompanied by a loss of real power and influence on the continent (Martin 1995). Shortly after assuming power in June 1958, General Charles de Gaulle, who was trying to revive French *grandeur*, nurtured a special relationship with those francophone African leaders who thought that if they could share in the creation of a new France they would also have a part in her success. De Gaulle's personal conception of France-Afrique was translated into

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<sup>4</sup>Walter Opello argues that for Africans granted assimilated status, there was theoretically freedom to advance in any endeavor, but due to Portuguese racism, the assimilados still had comparatively low levels of education, and the relative paucity of economic and political opportunities militated against widespread social and economic mobility. Mullatos, by contrast, were automatically considered to be assimilated because of their mixed parentage, and their color gave them ascriptive advantage in the competition for the relatively scarce educational and socio-economic opportunities available.

his project of a *communaute franco-africaine* (CFA) granting autonomy and internal self government to the African colonies while France would retain control over such essential matters as defence, foreign affairs, as well as economic, monetary, and strategic minerals policy (ibid.). Only Sekou Toure of Guinea was able to tell de Gaulle that the inhabitants preferred 'poverty in liberty than wealth in slavery' (ibid. p4).

The relationship between France and her former colonies in Africa were founded on some kind of 'elitist egalitarianism', while Britain insisted on unequal relationship with her former colonies (Apter et. al. 1994 op cit.). France's continued policy of exclusivity, stability and continuity also showed that her African policy was primarily motivated by a conception of 'own national interests', disregarding African concerns and interests. For France, 'Africa is seen as simply a place of nature for which there is no need to waste much intellectual thought' (Bourmaud 1995 p61). Having taken Africa for granted, 'French policy in Africa is [currently] at crossroads' (ibid. p58).

First, the initial shock waves were felt when the CFA franc was devaluated by 50% in January 1994, thereby signalling the demise of the franco-African preferential monetary and trading area known as *la zone franc* (Martin 1995 op. cit.). Second,

[t]he 1994-97 developments in Rwanda and Zaire were considered by many French government officials as evidence of an “anglosaxon conspiracy”. The events in Central Africa were seen by French politicians, diplomats and journalists as part of a plot, as evidence of an “anglosaxon” scheme to develop an arch of influence from Ethiopia to Eritrea via Uganda, Rwanda and Zaire to Congo and Cameroon. For them, the ‘Anglosaxons have a hidden agenda “to oust France from Africa” (Huliaras 1997 p1).

When will Africans be left alone to start rebuilding their continent again? Africans had to go through (Anglo-Saxon) slave trade, European colonialism, soviet/Anglo-Saxon rivalry (the cold war) and now the francophone/Anglo-Saxon rivalry? Is there something particularly Anglo-Saxon in Africa?

### 2.3.3 The British Colonialism

Under Roman Britain, the structure of rural society had its base on the coloni, or dependent cultivators of the soil, and below them the slaves. Both classes will be found reappearing under Anglo-Saxon rule (Finberg 1972 p400).

In fact, they reappeared in Africa; first, slave trade, and second, rural dependent cultivators that now abound in Africa. This is, in my view, the historical explanation of the relation between Britain and Africa. To crown it all, on 5th. December 1857, Livingstone addressed Cambridge University. He said:

I beg to direct your attention to Africa; I know that in a few years I shall be cut off in that country, which is now open: Do not let it be shut again! I go back to Africa to try to make an open path for commerce and Christianity; do you carry out the work which I have begun. *I leave it with you* (Pakenham 1991 p1).



Pankenham (p xxiv) added that

Livingstone sounded a call for a world-wide crusade to open up Africa. A new slave trade, organised by Swahili and Arabs in East Africa, was eating out the heart of the continent. Livingstone's answer was the '3Cs': Commerce, Christianity and Civilisation, a triple alliance of Mammon, God and social progress. Trade, not the gun, would liberate Africa.

David Livingstone is an appropriate starting point for both theoretical and comparative discussion of British colonialism in Africa. Just as the Portuguese believed in their Catholic culture, the British believed in their Christianity. Just as the French believed in their *mission civilisatrice* the British believed in the triple alliance. But an extra point to the British compared to other continental colonialisms in Africa is that the British system had more dimensions to it. The one that is relevant here was the Anglo-Americanism, herein called super-power colonialism. I will discuss other dimensions of British colonialism in the next chapter. Better still, we are now aware of the strong Anglo-American content in the debate on the theory of gender and feminism as well as their relation to human inequality in Africa. A brief discussion of the super-power colonialism and the creation and sustenance of the current differential status of women and men in Africa will also be appropriate.

### **2.3.3.1 British Imperialism in Africa**

The relationship between British imperialism and land question was deeply rooted in the geography and history of Africa. British settlerdom was greatly influenced by the land and climate which were suitable in South Africa, Zimbabwe and Kenya. Settlerdom was therefore the main factor underlying slow progress to majority rule in Southern Africa: Zimbabwe (1980), Namibia (1990) and South Africa (1994).

Kenya's earlier independence (1963) was influenced by the independence of Uganda and Tanzania, although the settlers, some of whom came from South Africa, almost took arms to resist Kenya's independence (Tignor 1976 op cit.).

The relationship between colonial underdevelopment in Kenya and South Africa is very special. According to Padmore (1972 p189) quoting Dr. [Norman] Leys,

When the [scholar] of the future looks for examples of the worst result of the capitalist system in society, where avarice allied with racial pride and domination showed least signs of shame, where the common people were most despised and poorest, where the law was least regarded and loyalty least possible, he will point to South Africa and Kenya.

There was also the cold war, which had greatest impact in those countries that were relatively abandoned by their colonial masters such as the Portuguese, the Belgians and Italians with respect to Angola/Mozambique, Rwanda/Zaire and Somalia, respectively (Gross 1996). As an accomplice to British settlerdom in Africa, the US, for example, kept a safe distance from African struggle for independence. When Nigeria had its civil war in the 60s, the US embargoed the sale of arms to both sides and maintained a low profile, while France supported Biafra. In South Africa, the US continually played a mediating role, all the way to majority rule in 1994. In Kenya, the US was content with the system until it became clear that only multi-party system could save Kenya from a possible break-up (ibid.).

Since attaining majority rule in 1994, the Republic of South Africa has quickly occupied the centre stage of a middle power in the continent. Remember that

[m]iddle powers are not simply middle powers because of their participation in the mediation, bridge-building activity or co-operation in certain technical areas, but because *'it suits their long term interest vis-a-vis world order, the world economy, and the pursuit of dominant societal values and interests,* all supported by significant material/ technical/bureaucratic capabilities to do so' (Westhuizen 1998 p439) (emphasis in original).

It is now possible to see the spread of Anglo-Saxon triumphalism across much of sub-Saharan Africa more clearly. Mozambique has become a member of the Commonwealth. Colonialism has now become globalisation and privatisation while Africa is now forced to negotiate her future and the new Millennium in Anglo-American terms (Woodhouse 1996). Is the settler re-emerging from south of the Limpopo to privatise land in the rest of sub-Saharan Africa?

Building theory about the development of sub-Saharan Africa must therefore be founded on the legacies of colonialism and imperialism, let alone slavery. Such arguments as 'the misery of being exploited by capitalists is nothing compared to the misery of not being exploited at all' (Robinson 1964 p45) are deep-rooted behind the economic rationalisation of imperialism. They are deeply entrenched in the liberal school, 'that free trade and only free trade appears justified from the purely economic point of view, that only it guarantees the best provisioning of all persons, the greatest yield of labour with the smallest expenditure of costs' (von Mises 1983 p76). The philosophy behind exploitation was that colonialism and imperialism provided free trade and not exploitation.

The settler is not re-emerging from the south. Only the goal posts are moving for the African, as has ever happened before. The game is still rooted on impoverishing the Africans in their motherland. Robinson's interpretation presents imperialism as an economic necessity. Just as colonialism, it regards the natives only as a means, not as an end in themselves.

In summary, the gender landscape in sub-Saharan Africa is at the cross-roads because, as Klan (1997) says, cultures take time to mature. Three main factors account for this. First, quoting Hollister, Klan (p2) says that the Germans used to inherit the wives of their kins in A.D. 98. "Germanic sexual equality is contradicted by evidence from early Germanic law codes which regard women as life long minors under the legal guardianship of their fathers, their husbands, or, if the husband died, his nearest kinsman". Second, the parallel after-war colonialism in which the British, French and Portuguese were involved in decades of social engineering produced everlasting vertical and horizontal gender inequalities. Horizontally, these inequalities affected the African traditional land use systems by forcefully imposing alien commercial agribusiness on African land. Culturally the changing African land owners into tenants of the crown, using their male labour force in the export oriented and European owned commercial farms and then abandoning the aged men in the 'overpopulated' rural reserves of women and children was no better than slavery in reverse. Third, the political project of Anglo-American globalisation. Gray (The Guardian May 27th. 1998) has pointed out;



When it is used by political and business leaders, however, globalisation usually refers to something else - world-wide economic deregulation and the universal reach of the Anglo-American free market. In this later sense, globalisation is not an inexorable historical trend. It is a neoliberal political project.

All these are the determinants of the differential status of blacks and whites in Africa.

At all times and in all places alien forces ensured that African women were at the very bottom of the pyramid. This is also how African women's perception of themselves, and African men's perception of African women was determined. This is how women in Africa understand their social station in life: that they have to be religious, that they are 'inferior' to men, and that they are not achievers, etc. This perception of life is passed on from older women to the younger women through generations. To what extent do Africans see their poverty and gender inequality in terms of European imposed poverty and landlessness? This question can only be answered by a theoretical examination of land and class in Africa.

#### **2.4. DEVELOPMENT OF UNDERDEVELOPMENT: GENDER AND CLASS CONSCIOUSNESS IN AFRICA**

We have seen that Social Science literature from the West often neglects to clarify how Africa currently fits in the rest of the Third World. For instance, sometimes one may find South Africa classified in the group of developed countries, as in Worsley (1989 p517). Other times, sub-Saharan Africa and continental Africa are mixed up. This confusion stems from the difficulty of white settlers to identify themselves with the dark continent. But South Africa, as the centre of British settlerdom in Africa, is

very important in understanding what lies behind current policies on land and gender in these countries. It is clear that land consolidation, which started in Kenya in 1956 was similar to apartheid, which started in South Africa in 1959. Kauppi (1989 p480) said that

[i]n 1959, at a time when much of Africa stood on the threshold of independence from its colonial masters, Prime Minister H. F. Verwoerd unveiled a sweeping partition plan that was euphemistically termed “separate development.” It was hoped that this policy would not only reinforce white political control, but actually increase south Africa’s legitimacy in the eyes of the world.

There is no difference between the separate development plan and land consolidation since they are just aspects of social engineering aimed at depriving the natives of their land ownership and then tenanting them. Both of them create physical and social boundaries aimed at excluding others from the land and power, irrespective of sex.

In this argument, Sub-Saharan Africa excludes North Africa, i.e., the so-called *patriarchal belt*, ‘running eastwards from Morocco through Asia to Southern China, where the sharing of resources between men and women is at it most unequal’ (Griffiths 1996 p66). However, it is also important to note that ‘we live in a world system, which is limited only marginally by national sovereignties. This world system is not only of capitalism, but also racism and patriarchy’ (Barrett 1992 p33).

One of the ways in which Africa<sup>5</sup> negotiates the Millennium is to change the contemporary European perception and attitude about Africa. In other words, if humankind is to expect a future of human equality, happiness and dignity for Africans, they will have to start from the theory behind European perception of Africa. One major instrument in moulding that perception is language particularly English language. It was the medium of communication during conquest and colonisation of Africa. It is also the medium of current Anglo-American globalisation and privatisation of land, especially in Africa. How is Africa negotiating the Millennium in English language and in Anglo-American terms?

#### **2.4.1 English Language and Class in Africa**

Ali Mazrui already pointed out the parallels between class consciousness among the African 'scholars' and 'intellectuals' and the African masses. He examined how English language originally *created* African leaders and politicians and then *created* their followers among the masses and the nations. In a reciprocal way, 'English helped to make [African] intellectuals nationalistic and intellectuals in turn helped to lead the thinking of the masses in the same direction' (Mazrui 1966 p303).

A decade later, Mazrui pointed out 'the emergence of a modern intelligentsia, the expansion of their role in society, the internationalisation of their horizons, and their significance for modern Africa and its new educational and political systems' (Mazrui 1978 p368). He then defined an intellectual as 'a person who has the capacity to be fascinated by ideas and has acquired the skill to handle some of those ideas

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<sup>5</sup>By Africa here, I mean sub-Saharan Africa

effectively' (p368). Another question followed: 'Must an [African] intellectual be socially committed' (p368)? He argued that it is desirable for African intellectuals to be socially engaged although not all educated Africans are intellectuals. Educated Africans who become very prosperous prematurely are particularly prone to intellectual decay. Eventually, they become ex-intellectuals, either having lost interest in abstract ideas, or permitted their intellectual skills to fall into disrepair (ibid.).

This is one example of how class consciousness was determined by European language colonialism in Africa. Particularly in the Anglo-American Africa, which Mazrui was concerned with. This trend had devastating consequences for gender. First, class consciousness was synonymous with political consciousness, which was a matter for a carefully chosen few. Most of these were 'made in England' mentalities like Kamuzu Banda, Kwame Nkrumah and Jomo Kenyatta. An important difference was Julius Nyerere, who was 'made in Scotland'. With specific reference to Kenya, Curtis (1995 p72) says that

[t]he cultivation of African elite whose task would be to preside over Kenyan independence and who would preserve the British economic and political interests in the country was not an easy one, given that many of the most popular nationalist leaders had been imprisoned in 1952 with the declaration of the state of emergency.

Second, class consciousness in colonial Africa was deliberately made a preserve of 'male intellectuals', some of whom, like Leopold Sedar Sengor, an apogee of the assimilationist influence of the French culture, and who was just sent from Europe to go and lead their countries to 'independence' (Mazrui and Tidy 1984). Paradoxically,



in southern Africa, particularly where Europeans were involved in land ownership and land rights, e.g., Mozambique, Zimbabwe, Namibia and South Africa. African male intellectual development was suppressed by Apartheid and Luso-tropicalism. Luso-tropicalism was the doctrine that the Portuguese, whether in Portugal or Africa or Brazil were in partnership with non whites and did not share the colour prejudice so prevalent among the other European peoples (Mazrui and Tidy 1984 *ibid.*) . In this scenario, there was completely no chance for an African woman to be conscious about her status.

Another example was how the development of class consciousness in post-independence Africa was gendered. For example, before Jomo Kenyatta was released from prison, the rallying cry in Kenya was a two-finger salute signifying *Uhuru na Kenyatta*, i.e., Independence and Kenyatta. When Kenyatta was released in 1961, it was changed to *Uhuru na Kazi*, i.e., Independence and Work. *Kazi* is a Swahili word meaning ‘work’ or ‘employment’. But did Kenyans know that they were already doing *work* in their indigenous social systems such as subsistence agriculture? When commercial agriculture became a matter of economics, i.e., agricultural economics, subsistence agriculture ceased to be counted as part of the wealth of the nation. The human labour that was mainly responsible for subsistence agriculture also ceased to count. Gender inequality became evident when subsistence agriculture was classified as ‘informal sector’ and therefore not counted as *kazi* in Kenya.

When subsistence agriculture was no longer counted as productive work in Kenya, it became like other activities, such as routine household work and other activities which are called *reproductive*. But the rationale behind separating *productive* and *reproductive* work is difficult to understand. Allen (1972 p177) pointed out that

[t]he most pervasive economic factor in any society is the means whereby labour power is acquired and utilised. It is this factor which distinguished types of societies from each other: slave from feudal; feudal from capitalist; capitalist from subsistence.

The main message here is that labour power can not be separated from the people who supply it, irrespective of sex. In a capitalist society, labourers are labourers, whether they are slaves, civil servants or factory workers. They all supply labour. What matters is **class** as a determinant of economic exploitation of human labour-power (called manpower). Being a man or woman and being rich or poor all assign human beings to different classes.

In Africa labour power is obtained through kinship networks, and is distributed through traditionally determined age and sex categories within those networks (ibid.). In a capitalist society, labour is obtained and distributed through a pricing system. Taking capitalist development in some English colonies of Africa, for example, Allen says that due to favourable climatic, geological and topographical conditions,

‘[their] economic resources have been exploited in a classic sense. This was the case in Kenya and Rhodesia. The indigenous population was dispossessed of its fertile land, and then recruited both by physical and market pressures as wage labour. Poll (head) taxes were used extensively as a means of compelling indigenous Africans to enter the labour market, and were levied on all sections of African societies (ibid. p179).

On the other hand, those countries that were not suitable for European settlement like Uganda, Tanganyika in East Africa and most of West Africa, were subjected to imperial control. There was no need for the European acquisition of land, only of mineral and land *rights* (ibid.). Since independence, the force of European law that protects private property has continued to apply in all former colonies with no exception in Africa. This social engineering was much above the comprehension of African women feminists at that time. The European ‘rule of law’ that legitimised alienation of the private from the public land prevailed.

The problem, however, is that this ‘rule of law’ was **also** in a foreign language. ‘We need to remember, therefore, that language is more than an act of speaking, it is also an act of representation’ (May 1997 p118). As long as African themselves prefer to represent their own existence in European languages, gender inequality, exclusion and class mentality will continue to appear normal to Africans.

## **2.4.2 From Empire to Third World: Politics of Exclusion and Class in Africa**

Language and politics have both played a very crucial role in suppressing class consciousness in Africa. The very reason for the existence of a 'Third World' is basically to stigmatise it. Worsley (op cit. p520) defines the Third World as consisting of a subset of underdeveloped capitalist countries which are owned, run and underdeveloped by the First World. Marxists-Leninists, on the other hand define the Third World as 'that large and in many ways diverse collection of colonies, semicolonies, and neo-colonies which form the base of the global capitalist pyramid' (Sklar 1976 p88). These definitions clearly show how colonial language has been used to stigmatize Africa. I have yet to come across an African language with an equivalent of Third World.

Africa also fits into the structure of the peripheral world, where the Third World and the periphery would refer to the same thing. In this case, we find a European-centred world economy comprising core, semi-periphery and periphery. This definition is central to the analysis of the modern world-system animated by capitalism (Williams 1993 op cit. p76). Africa is therefore both a periphery and a Third World. If the Third world includes Asia, Africa and Latin America, is there any reason for Africa not being at the periphery of the periphery? This is a notion of exclusion at its greatest extent. It is absolutely compelling to discuss its implications for Africa.



#### 2.4.2.1 Third World or Excluded World? Imperialism, Gender and Class in Africa

Any country in Africa that graduated from colonialism unfortunately became a Third World country because, (I repeat that) '[for] African countries, it is [important to understand] that a national tradition [cannot] be manufactured overnight. There is at least one factor that can be used to help manufacture a national identity- **the colonial experience**' (Sergeant 1978 op cit. p26; my emphasis). The colonial experience is critical to modern Africa because of its strong impact on the present socio-economic situation in Africa. The challenge now facing Europe is to turn their colonialism around from a history of exploitation to a future of hope for Africans. Is this possible?

Fundamentally, I repeat that colonial inheritance contained two basic concepts alien to Africa, nation states and boundary lines (Griffiths 1995 op. cit.). The concept of land reform was also alien because it imposed artificial boundary lines on land. The current boundary related problems in Africa, both within and between countries, are so critical that it is most urgent to understand their cause. First, colonial governments determined to change the structure of person-land relations and derailed authentic development in Africa. Cultural aspects of the native person-land relationship were largely ignored, underestimated and even directly suppressed. Other intrinsic issues were; loss of traditional sources of prestige, women's rights, the separation of related kinship groupings, and missing the important concept of culture in the system of African land ownership (Biebuyck 1963).

Another lasting factor of European imperialism in Africa was the Berlin Conference of November 1884, which was supposed to enable the great European powers to manage some of the conflicts in which they were involved in the African continent (Chapman 1989).

The conference is often wrongly perceived as being concerned with partition of Africa, yet questions of sovereignty were never formally dealt with. Its interest here in relation to the future idea of *Eurafrique* is that the conference itself displayed the tensions between those in favour of detente in Africa and those preferring competition, or, to put it another way, it served to distinguish the 'internationalists' from the 'scramblers' (ibid. p64).

As long as European trade and exploitation was going on in Southern Africa: Angola, Mozambique, Northern Rhodesia, Southern Rhodesia and the Congo, there was no problem. Congo was consistently a great source of immense wealth for Europe (Rodney 1973).

The resulting differentials in the status of women in Africa has a connection with this *Eurafrique* because for Africans, there was no difference between *Eurafrique* and colonialism and patriarchy. Africans had to learn to live with a mixture of British, Portuguese and French colonialisms all over sub-Saharan Africa. How did they cope with the Leviathan? Assuming that wisdom is synonymous with sage philosophy let me take an example from the world of *music*. Having been divided by the scramblers, Africans had only one way of showing their internationalism; music. In the 60s, African sage philosophers (Odera-Oruka 1992) like Miriam Makeba of South Africa, made a historical song about Jomo Kenyatta, among many others (Fossu-Mensah et

al. 1987; Mazrui and Tidy 1984 op cit.). Music was the main means for African women and men to raise class consciousness among Africans during colonial times, both at national and international levels. The point worth noting, however, is that most African international musicians, both male and female, such as Tabu Ley and Mbilia-Bel, are Zaireans. Another point is that these Zaireans sing in local languages such as Lingala, or in French language, thus making French the music language of Africa. Why have former British colonies in Africa not been able to match French colonies in music? Why aren't there as many African musicians living and performing in Britain as there are Zaireans in France?

Going by evidence above there is very little hope for Europe to initiate a future of hope for Africa. The history of state formation, the imposition of boundaries, the differences between scramblers and internationalists and African's way of coping through music all underline the fact that Africans will have to carry their own cross. What Africans got from Europeans, especially after independence was not hope, but exclusion.

#### **2.4.2.2 Exclusion as Underdevelopment in Africa.**

The reason is that the British were more interested in exploiting African labour and Africa's resources than in developing African human capital for the benefit of Africa. This was a special kind of underdevelopment by *exclusion*. Ethnic minorities who live in Britain know what it means to say that 'exclusion is a reality in every society'

(Dommen 1997 p485). It is still very difficult to justify the historical exclusion that African countries have suffered in the hands of Europeans. Eventually,

[t]he Third World is now blamed for its own poverty. Each country is analysed separately by international institutions and by political commentators. Its problems are then explained in terms of its socialism, its corruption, the laziness of its people and such-like alleged national attributes. The fact that virtually all Third World countries, and certainly all the poorest of them, are in the same plight is largely ignored (Nyerere 1985 p489).

Furthermore, another dilemma now facing Africa is that the developed countries, led by the Anglo-Americans, are firmly denying African countries the right to effect their own land policies. For example, 'the British media has made Zimbabwe known in Europe and beyond over its land policy' baptised 'Mugabe Land Grab'(Mukeredzi 1998 p2). In Mukeredzi's own words:

The history of land acquisition has been ignored in Zimbabwe and nobody has tried to justify the need for land among poor blacks robbed of their ancestral heritage. President Mugabe has suddenly become a land grabber and a breaker of the constitutional law that governs the land.

First, by allocating land to indigenous people, is Mugabe not equally privatising land? Secondly, to what extent are Zimbabwean women landless? Do they also have rights to land in Zimbabwe?

Another example is necessary to back up this argument. Zimbabwe is not the only victim of this game of exclusion. In fact Zimbabwe is just one of the Empire's 'social minorities'. Yet another one is post-apartheid South Africa. Barely four years after



attaining majority rule, there is already literature pouring out scorn on the performance of the ANC government, such as (Lodge 1998). Kearney (1998) thinks that although the exclusivists would argue otherwise, both African Renaissance and a betrayal of revolution are occurring simultaneously in South Africa. However, the urge to declare South Africa as a betrayal of the revolution has a hidden agenda of making the ordinary South Africans believe that it is the ANC government that has failed to meet their hopes for their land rights. As in Zimbabwean case, gender is further behind the scene. Manicom (1992 p444) put it that

gender does not feature in the race class debate, even in its more recent incarnations, and it is certainly far from conventional to refer to the masculinist state, the patriarchal state- along with the colonial / segregationist / apartheid / capitalist / reformist state in South Africa.

How does gender perform in this scenario? Specifically, I have yet to find evidence that the white people in South Africa, Zimbabwe or Kenya are showing explicit concern about landlessness among indigenous female citizens in these countries.

In summary, I have examined the development of underdevelopment in Africa. I have discussed the role of European colonial language as a tool for underdevelopment and exclusion in Africa. Citing examples of Zimbabwe and South Africa, I have also discussed exclusion more extensively. I have shown that these countries are currently going through a second wave of exclusion. First, colonial exclusion resulted in the ordinary (South) African being denied ownership and rights to her/his national heritage. The second, post colonial exclusion is currently working to undermine any

attempts by African majority governments to include their people in access to national heritage. This is a situation where women's rights are completely excluded from the (underdevelopment) agenda. The main question that I have now to address is: Is Africa on the right path into her independent future?

## 2.5 WHICH WAY AFRICA; STILL DEPENDENT?

Everyday life in Africa is very different from everyday life in Europe. To be more exact, women's everyday life in Kenya, for example, is very different from women's everyday life in Britain. To make it worse, in Kenya as in Africa, this difference is also differentiated. Women in Africa do not even have a chance to talk of *glass ceiling*. There is a *divided glass*, to use O'Laughlin's terminology. An ever increasing number of them live in failed states, unaccountable states, haemorrhaging states, etc., and are actually having to deal with a *broken glass* situation. This is a situation where hope for the future is history and where death from poverty stares at your face by the minute. This is the paradox that determines the differential status of women and men in Africa and the difference between women in the South and women in the North. I now want to examine what I consider to be the real cold war in Africa before I examine what Africa can do about her future.

### 2.5.1 The Real Cold War in Africa

The problem came from colonialism. Precolonial African political systems ranged from highly centralised kingdoms to stateless societies with a segmentary lineage system. Different ethnic groups interacted across their territories although each group jealously guarded its land

(Deng 1996 op. cit.). It is no surprise that

the colonial state, with its rigid borders and centralized structures, was an artificial creation that tore apart regional ethnic groups. But while these groups were supposedly united by incorporation into the modern state, they were kept apart. Indeed their relations were manipulated as part of the divide and rule strategy of colonial domination. Hostile historical memories and animosities were kept alive and fanned, but, through law and order, these animosities were not allowed to explode into ethnic violence. When they did, those responsible were severely punished. The colonial state was therefore a source of relative peace and stability (ibid. p222).

Here is the reality behind the problem. Africans fought their wars of liberation and got their 'independence'. All this happened within the second half of this century, i.e., from Accra in 1957 to Cape Town in 1994. However, the real 'cold' war for and against economic, cultural and social independence in Africa, on the side of Africans and colonialists, respectively), started almost immediately. While African governments were just starting to address their pre-independence promises such as landlessness, ignorance, poverty and disease, for example, their former colonial masters were fighting to keep the structures of the colonial state. But since the colonial masters were the post colonial donors and economic advisers, did the African governments have any room for manoeuvre?

This 'cold war' against Africa was yet another kind of exclusion that was meant to permanently keep the statist edicts of the colonial hegemony in Africa. It was right for European colonial powers to turn all 'fifty or so states of the colonial partition, each of which was formed and governed as though their people possessed no history of their own, to become fifty or so nation states, formed and governed by European models, chiefly, the models of Britain and France' (Davidson 1992 p10). In fact, independence just changed the status of African countries from colonial states to nation states after which '[l]iberation led to alienation' (ibid. p10). The lesson from this is that Africans were the ones being made to alienate themselves.

The unfortunate condition is that African states have to take a satellite position and remain pro former European colonial powers. We all know what happened to Guinea when Seiko Toure decided (page 91) to be realistic with de Gaulle (Martin 1995 op cit.). We know what happened to Patrice Lumumba when he was realistic with King Baudouin of Belgium at Congo's independence on 30th June 1960. We know what happened to Nyerere's Arusha Declaration and to Obote's Common Man's Charter (Mazrui and Tidy 1984 op cit.). According to the colonial powers, Africans had to be modernised. By being modern, African states would forget their indigenous history and their right to their national heritage. By forgetting their history, they would be blinded to their national sovereignty and their land rights. They would then be modernised. But what does this mean?



“Modern” is usually associated with institutions containing literate, urban, secular, mobile individuals with preferences for western lifestyles, as well as patterns of consumption. These institutions and the individuals associated with them are usually found in the commercial and administrative sectors of peripheral societies (Petras 1976 p30).

Secondly, we know that

[m]odernity refers to modes of social life or organization which emerged in Europe from about the seventeenth century onwards, and which subsequently became more or less world-wide in their influence. This associates modernity with a time period and with a given geographical location (Rengger 1995 p41).

Africans have to refuse this unnecessary interference with their land and lives.

In practical terms, industrialized countries have an interest in seeking to improve the living conditions of the developing countries. If the goal of the developed countries is to expand their potential markets for [their] goods, then they need viable, stable markets with healthy, educated people to purchase their technologically advanced products. It is thus in the interests of foreign entities, private and public, to assist [African] countries in developing sustainable economies (Ostergard 1996 p174).

Furthermore, the western countries also know that African countries cannot develop into sustainable economies if they remain dependent. African countries have to remain themselves. As Latouche (1996 p75) observed,

to remain oneself is in fact a necessary condition for the success of ‘industrial mutation’. The endogenization of technical innovation and consumption, together with positive acculturation, is the basis for a success which remains aggressive, hegemonic and thereby exceptional. The universalization of the conqueror’s mentality cannot engender order, but only chaos, the status of *bellum omnium contra omnes*.

### 2.5.2 A Way out for Africa?

Although Africa continues to be full of unhealed wounds, Africa must move on. My understanding is that Africa has to fulfil three fundamental conditions in order to give some hope for the future; respect for African lives, ensuring equality before land irrespective of gender and a stop to unnecessary wars of identity and survival.

First, Africans must ensure full *respect* for each other across age and sex, as people in developed countries have managed to do. African life must be as valuable as any other human life irrespective of colour, sex or age. African men should not be cheated into keeping their women locked in the state of second class citizens. As human beings, Africans should know that

humans do not simply spring out of the earth. Humans are born of women. nurtured and cared for as dependent children, socialized into family and community group, and are perpetually dependent on nourishment and shelter to sustain their lives. These aspects of human life whose neglect is often justified by the argument that they are unimportant or intellectually uninteresting or merely “natural” are, not just coincidentally the area of life thought of as women’s “work”. If we grant that connection - to one another and to nature - is indispensable for human existence, the *homo economicus* appears in a new light. Far from being the rugged individual whose status as a modeling tool is dictated by rationality and realism, he might well be the projection or dream of a boy who, scared of the powers which might fail to protect his fragile hold on life, denies him his own dependence (Nelson 1996 p31).

There is also real need to understand how lives of women and men are determined on day-to-day basis in Africa. This can be explained by what Dillon (1997 p228) calls ‘status worth, which ‘derives from such things as one’s essential nature as a person; membership in a certain class, group, or people; social role; or place in a social

hierarchy'. Differential status of women and men in all human societies must be seen in terms of 'merit, the measure of quality of character and conduct, which we earn or lose through what we do and become' (p228). Owning land and therefore becoming rich may mean being unequal to others, but it depends on how that land was acquired. The African modernists and husbandmen must be warned that the resource poor and the women will not be quiet for ever.

The second condition is that if individual citizens are not equally endowed, then personal incomes may continue to be unequal even in a fully competitive, *laissez-faire* society with unrestricted mobility (Meade 1973). Land reform was imposed on an *indigenous* African system. But what was African was African, whether it was Yoruba, Kikuyu, Zulu, Luo, Baganda, Nyamwezi, etc. Wherever colonialism imposed land reform in Africa, it differentially endowed status, and therefore self worth among African women and men. The hope of women and men in Africa lies in reclaiming their rights, their heritage and their self worth that was lost by land reform. This reclamation is a definite possibility.

The third condition relates to the fact that Africans must find their own answers to unnecessary wars of identity and survival.

So long as minorities have someone to whom they can appeal when they are in dispute, they can live peacefully together. When that arbiter is gone, they will be at each other's throats... The combatants are trying to answer the existential question, Whose country is this? If it is mine, you cannot stay, and if it is yours, I cannot stay - or if I am allowed to stay, I must agree to accept a second-class status (Mayne 1999 p19) (my emphasis).

It is fairly obvious that much of this question was imposed on Africans by European colonialism. Sadly enough, the struggle for independence, from Ghana to South Africa, and the Cold Wars, as explained above, will all ensure that Africans will continue fighting because of the existential question.

## 2.6 CONCLUSION

The theoretical and comparative analysis employed in this chapter has clarified how land is related to the emergence and persistence of feminized poverty, social insecurity and class differentials in Africa. First, it has confirmed the fact that European '[h]istorical materialism, far from being completed, has not yet solved the issues of effective articulation of the various social realities: the basic ones of class, the state (and power), nation and culture (Amin 1990 op. cit. p160). Second, it has confirmed that the 'fundamental distinctions between different parts of black Africa, (divided between British and French West Africa, the Belgian Congo and French Equatorial Africa, and South and East Africa) derive from the manner in which the imperialists have settled the question of land' (Nzula 1979 p36) in their respective colonies. '[V]arious forms of exploitation of the indigenous population derive from the solutions to the land question in each individual group of countries' (ibid. p36).



I agree that the black man should carry his own cross. S/he has to be truly in charge of his/her own modernity and sovereignty in order to have a glimpse of hope for the future. Evidence from this chapter is that the white people still believe that space (land) and colour (race) cannot mix (Neame 1953 op. cit.). Evidence from this chapter point to five conclusions.

First, Africa cannot develop before delinking from Europe. In other words, 'development of countries on the periphery of the world capitalist system must ... come through an essential 'rupture' with that system, a 'delinking' or refusal to subject the national development strategy to the imperatives of 'world wide expansion' (Amin 1990 op cit. p62). Decolonisation must be completed in all ways; politically, economically, socially and culturally.

Second, Africans have to understand that their cross is *gendered*. History has yet to tell us how many explorers, missionaries, colonialist or settlers initially came to Africa with their wives and children. For example, when the South African Parliament was informed in 1924 that there were 160,000 white men, women and children "who would not be able to get on their feet unless they were helped"(Neame 1953 op cit.). Policy action was taken to wipe out the evil of poor whiteism (ibid.).

In the same way, African men should never allow women to be treated as second class citizens, under the guise of traditions and customs.

Third, Africa must be strategically aware of globalisation, now sweeping through Europe and Americas. Globalization implies that national governments cannot regulate, monitor or tax international activities adequately, nor can they redistribute resources on a significant scale to the world's poor (Stewart and Daws 1998). 'If globalisation continues at an accelerating pace, which seems likely as a result of further deregulation and technological changes, the hole in the world governance, like that of the ozone layer, will get dangerously large' (ibid. p397).

Fourth, Africans should understand that they are Africans, just as Europeans are Europeans and Indians are Indians. Above all, Africans must quickly realise that '[n]ations are not something everlasting. They have a beginning , they will have an end' (Teich and Porter 1993 pxvi). Since most African nations started only one hundred years ago, some teething problems must be addressed. How will the European Union affect the bilateral relations between each former European colonial power with her former colonies? In other words, how will France relate to Algeria or Senegal? How will UK relate to South Africa, Kenya or Zimbabwe? Above all, how will colour and space mix in the global arena of the 21st. century?

Fifth is the need to come to terms with the dynamics of disintegration that arise from ethnic nationalisms in diaspora (Shain and Sherman 1998). Can we argue that all South Africans are 'black' or that all Americans or British are 'white'? Is Kenya also

a rainbow country, given that Kenya was supposed to develop on a strictly separated racial basis, as in schema 1A? If tragedy means 'unfulfilled potential with disastrous consequences' (Easterly et.al. 1997 p1203), then there is only one conditionality for addressing the African tragedy in the next century: to mix colour, sex and space together in one pot and in the spirit of equality, development and peace. It is up to white people to heal the unhealed wounds that they inflicted in Africans because of their land, and restore hope and need for life to Africans. The next chapter will examine the prospects for Kenya in this scenario of patriarchy, unhealed wounds and whether there is any need for black people to be alive.

## Chapter 3

### LAND AS A DETERMINANT OF DIFFERENTIAL STATUS OF WOMEN AND MEN IN KENYA

#### 3.0 INTRODUCTION

No single word weighs heavier in people's hearts these days than *colour*. If some people are supposed to be *coloured*, then others are, presumably *colourless*. How can a human being be red, white, black, brown or green? If there are some *people of colour*, are others of *no colour*? Specifically, I have seen some animals that have distinct colour. For example, I have seen a black cow, a white rabbit, or a brown cat. Common sense tells me that what I see is not the colour of the animal's bare skin. It is the colour of the hair on the animal's skin. Even in Europe, there are Europeans with dark hair, others with grey and others with white hair on their heads. Why is it that all people grow white hair when they grow old? Why don't 'white' people grow different colour in the hair and same with 'black' people or Asians?

These questions must be answered. Kittles (1995 p37) pointed out that human beings are just 'hairless apes. Modern human beings evolved in Africa and then migrated out to areas of the world where, due to adaptation, they were able to survive in different environments'. Martin Brookes (Guardian Education, 23 June 1998 p9) also revisited the old story about the possible routes of the *Homo Sapiens*. He reiterated the



'alternative 'Out of Africa' hypothesis which says that humans had an exclusively African origin, [100,000 to 150,000 years ago] and then only spread to other parts of the world'. Rotberg (1965 p3) is very clear that

[m]an began in Africa. About 750,000 to one million years ago, near man -a hominid -learned to make tools and therefore transformed himself gradually into true man. This process of evolution took place probably, not exclusively, near the shores of Victoria Nyanza and on the plateau that is now East Africa.

Gore (1997 p90) added that

in 1984, a team led by Richard Leakey began unearthing the nearly complete skeleton of a 12-year-old *erectus* boy who died 1.54 million years ago near Lake Turkana in Northern Kenya.

Despite overwhelming evidence that human beings originated from Africa, race still wields a lot of power as a social category. But there is no scientific support to prove that human colour is not a biological, but a social issue.

My opinion in this case is: *Never judge a person by the colour, not even by any of the natural characteristics such as sex, height, weigh or age. All human beings are equal.*

We saw the reason in Chapter Two; that each human being must enjoy equal esteem with each other human being due to the fact that all share a common humanity.

The comparative and theoretical approach in Chapter 2 told me that inequalities based on sex and race have a history too. This history is what contributes to human

inequalities as they have developed and are reinforced in the world. Singer (1978 p543) told us that '[i]nequality on the basis of gender is man-made and hidden behind economic dependence, which is now described as neo-colonialism, in the sense of a highly unequal distribution of wealth and power between countries. This is a clear fact of life today'. What relates this fact of life to the question of this chapter is that citizenship, like democracy, has been ambiguous throughout much of the twentieth century, not just in colonial states and settler societies (Wilson 1994). The concept of citizenship in Kenya, for example, is particularly ambiguous. I will return to this issue in Chapter 6.

Man-made gender inequality has been quite remarkable in the West.

French women only gained the vote after the Second World War, while the black men in USA, although technically given the vote in 1880s, had to wait until after the civil rights movement in the late 1960s for practical enfranchisement. Contemporary notions of race, class and gender in Europe and the United States meant that the term 'citizenship' still bore the stamp of its origins in ancient Greek city states as a privileged status from which women, slaves and 'aliens' were excluded. Later, ... the Romans had adopted the Greek concept to co-opt native elites for purposes of imperial consolidation (ibid. p50).

The fact that Kenya is both an ex-colonial and a settler society tells a lot about gender differentials in Kenya. Chapter Two left me wondering whether Africa has no reason to look to Europe for an answer to its current and mounting social problems. The central issue is the same, only the contexts differ. It is difficult to agree with arguments that deliberately tend to justify Europe's role in underdeveloping the Third World in order to get away with it all. Here is such an argument.

The improved health, longer life expectancy and the increase in the rate of population growth in underdeveloped countries have come about largely as a result of contacts established by the West. There are thus many more people alive in poor countries than there would have been in the absence of these contacts. It is only in this sense that the widely publicized notion is true that the West has caused the poverty of the undeveloped world: it has enabled many relatively poor people to live longer (Bauer 1984 p334-335).

This statement clearly explains the attitude of some Europeans with relation to Third World underdevelopment. First, to argue that Europe enabled many relatively poor people to live longer in Africa does not say anything about why Europe colonised and underdeveloped Africa. Second, to hide behind the blanket term 'the West' does not specify which European nation did what, where in Africa. Obviously,

social ideas should be placed in their historical context. Ideas should be seen as part of the culture and institutional life of a particular society at a specific time. Approaching social theory as embroiled in particular social struggles around, say, nation building or class and gender dominances necessary in order to challenge the still dominant view of social theory as part of an ongoing, universal dialogue about the general nature of the social world (Seidman 1998 p9).

In other words, British colonisation led to land reform, deprivation of land and subsequent gendered landlessness in Kenya. That is the heart of the problem in this chapter.

I will divide this chapter into two main sections. We know that the country now called Kenya emerged from the shadow of the struggle among European powers, especially Britain and Germany, almost as an afterthought. Section one will be concerned with the factors behind the evolution of land and gender inequality in East Africa. I will

start by examining the whole of East Africa, then compare Tanzania and Kenya, then Uganda and Kenya. We also know that had it not been for fertile land in the Rift Valley and the highlands of East Africa, there would have been no country called Kenya. Section two will therefore focus on factors that explain the present Kenya as a special case of a 'made in Britain' dependency and poverty in Africa. The uniqueness of Kenya as a former British colony is on her gendered landlessness due to land consolidation.

Relevant examples from other parts of Africa will be used for purposes of illustration. I will show that land consolidation was a deliberate action to keep the natives of Kenya under perpetual subordination as *labourers* for the settlers. It was maintaining that gender inequality among natives by keeping them permanently poor that was behind land reform and *land ownership* in Kenya. From the times of the slave trade, 'the British were fully aware of the difficulty of drawing a clear distinction between free labour and slavery in the circumstances pertaining to East Africa' (Ingham 1968 p74).

### **3.1 THE QUESTION OF LAND AND GENDER IN EAST AFRICA**

A major point in the history of Europeans is the fact that their ancestors 'conquered' the southern hemisphere. There are those who still cherish this triumphalism over what was latter called the Third World, especially the dark continent and the black natives. They are proud of the 'respectable trade' and they cherish their 'duty' to



modernise and enlighten the savage tribes of Africa that has no history (Davidson op cit.).

There are also those who are realistic and are concerned about how history will judge Europe with respect to the supposedly historyless black continent. Blacking (1987 p527), argues that

[t]he development of other countries creates new problems for Europe, and particularly for highly developed former colonial powers. This is partly due to circumstances of their development, which for both parties depended on colonial relationships, and partly because other countries' development has reversed the colonial situation and created cheap imports and competition with home markets, as well as problems of cultural identity.

How did this problem start? If logically pursued, this European concern can become a big concern for Africans, historically, economically and culturally. Confining myself to the question of land, I want to examine this concern with respect to the nature of unity that East Africans inherited from Britain. Secondly, I will examine some lessons that have been learnt and what efforts have been made by the people themselves since 1963.

### **3.1.1 East Africa: Economic Community or only *Shirikisho*?**

*Shirikisho* is Swahili word for Federation. The main rallying cry for independence in East Africa around 1960s was *shirikisho*. Everybody, from politicians' speeches to musicians' songs were about *shirikisho*. Common services enabled all East African natives to live peacefully in any of the three countries. What then happened to *shirikisho*?

At independence, the most promising grouping was in East Africa. During the First World War British and Commonwealth forces occupied German East Africa, without completely defeating the small German army there and at Versailles were rewarded by being given the territory under League of Nations mandate. The British then administered the three contiguous territories of Kenya, Tanganyika and Uganda as well as the offshore islands of Zanzibar. The opportunity was taken to create progressively a wide range of 'common services' for the four territories (Griffiths 1995 op cit. p171).

The British took the opportunity to administer East Africa as an economic unit immediately after formal colonisation. The East African Court of Appeal was operational by 1910. A Customs Union was operational between Kenya Uganda and Tanganyika by 1927. The East African Currency Board was set up in 1919. The East African Posts and Telegraphs, Railways and Harbours, Meteorological Service, etc., were all operational by 1940 (ibid.). The crucial question is: Who benefited from this economic set up, the British people or East Africans?

In order to answer this question, I want to explain what it meant to be *East African* during this period. Being East African was as political issue as federation itself. It meant being included within the circle of beneficiaries from the resources and services that were going at that time. Griffiths (ibid. p171) says that '[f]ederation was a political issue disputed by the different interested parties inside and outside East Africa. African interests, the white settlers, mainly in Kenya, the Indian community, and the Zanzibaris all took different perspectives... ' (ibid. p171) my emphasis. My assumption is that by African interests, Griffiths implies the interests of African

'feudalists' and 'clientists' like the Baganda and Banyoro of Uganda (Goody 1963 p6). Then, who was East African?

Nanjira (1976 p13) has also tried to answer a similar question, but he put it in a different way. His question was 'Who is an alien in East Africa'? which I assume is the same as 'Who is not an East African'? I would therefore support Nanjira (p15) that

[t]he citizenship and nationality laws of the East African states were modelled entirely on the British Nationality Act of July 30, 1948. An alien in East Africa, according to the Tanzanian law, "is a person who is not a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland."

This Tanzanian definition of *alien*, according to Nanjira, was more-or-less the same as that of Uganda and Kenya. The status of African national of each of the three countries was clarified on the ground that they should not be called 'alien' wherever in East Africa they were living. He could live as long as he wanted, even permanently, so long as 'the wish of the host state and the person in question fulfils the conditions of 'survival' in that state' (ibid. p16).

It is now clear who qualified as East African. Another question is still outstanding: Why did the white settlers in Kenya and the Indian community dispute East African federation, as Griffiths (1995 op. cit.) claims? It is important to keep in mind that Kenya was a colony, Uganda was a protectorate and Tanganyika was a trust territory of the British. Therefore distinctions were made between British citizens who then

lived in the colony of Kenya and British protected persons who inhabited Uganda and Tanganyika (Nanjira op cit. p26).

Clearly the British citizens wanted absolute monopoly of Kenya. Recall David Livingstone's '3Cs' mentioned in Chapter two. It reminds me of a saying: *A guinea fowl never leaves its feathers behind?*<sup>1</sup>.

The British colonial administrator Frederick Lugard [the architect of the divide-and-rule policy] believed it was the duty of the white man to assist the African. His belief that the white man had the obligation to "civilise" - that is, to develop - the African had been expressed by David Livingstone, who had declared his aim as being to introduce the black family into the 'corporate' body of nations (Nanjira p32).

This shows how deep the question of land was in the minds of the settler community in Kenya. Leakey (1936 p167) also expressed their belief in a more-or-less similar way:

THE SETTLERS of Kenya hope and believe that one day Kenya will be the central figure in the Union between Kenya, Uganda and Tanganyika and possibly other territories. They are confident that white settlement has come to stay that it will flourish and grow - especially if they are allowed to take over the reigns of government themselves - and that the Highlands of Kenya will be a flourishing centre of European civilization, a true white man's country, in the middle of the African continent.

The divide-and-rule policy unfortunately spelt doom for the native Kenyans.

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<sup>1</sup>This is a saying among the Luo people of East Africa. Translated literally, *Awendo ok we yiege chien*, means 'People of the same 'nature' always behave in the same way'.



[I]n Kenya, the “white man’s country,” the system of “native reserves” introduced by the British colonial administrators encouraged corruption and tribalism, particularly after World War 1. The policy of “native reserves” called for the protection of Africans in their own area and gave them the same security there as the Europeans were given in the White Highlands. **The divide-and-rule policy impoverished the African, divided Africans, and made them not only hate but also envy and compete with one another.** It was a system of local government that promoted the evil policy of racial segregation. It was applied throughout the region. (Nanjira op. cit. p32) (my emphasis).

Let me go back to the first question: Was it an East African economic community or just a federation? I have not seen any reason why an ordinary East African native who only needed to survive in his/her ‘host’ country could oppose the federation. S/he had nothing to lose. The Kenyan white settlers had a reason to oppose it because they needed to have economic monopoly of Kenya, a monopoly which they could not get if the three countries succeeded as one whole economic block geared to the development of native East Africans. In order to ‘rule’ Kenya, they had to ‘divide’ East Africa.

East Africans need to beware of *the devil in the detail*. Although it is good news to hear of the return of some kind of *shirikisho*, the remnants of the enclave may still be somewhere in the background. Ordinary Kenyans, Ugandans, and Tanzanians (women and men) will never benefit from a mere political community that does not put them at the centre. This means that the process of integration must be visibly gendered. How are gender issues reflected in the process. Are rural poor in Kenya, Uganda and Tanzania represented? How are the different approaches to land issues in Kenya, Uganda and Tanzania reconciled? Secondly, they should not forget that the lie of the land does not imply the lie of the mind. East Africans can only benefit from a social

community in which various indigenous ethnic groups settle their differences and agree to co-exist primarily as East Africans.

This argument needs to be recast from a different perspective. I want to compare some of the underlying conceptual factors about land and the status of women and men of Kenya and Tanzania, then Kenya and Uganda.

### **3.1.2 Kenya and Tanzania: Dependency or Independence?**

‘We are not here to create a succession of Bulgarias, but to develop and civilise this continent as part of what I may call Western European civilisation and economics’ (Davidson 1992 op cit. p179). This was the argument of Sir Philip Mitchell, then governor of Kenya in response to a proposal by the Colonial Office in 1947 that a consideration should be made for the development of African local government in provincial councils and the like. Nevertheless, by 1963, all the three ‘Bulgarias’ were independent: Tanganyika in 1961, Uganda in 1962 and Kenya in 1963. The first one to be independent was a trust territory, the second one was a protectorate, and the colony came last. But a major question continued to affect prospects for unity between Kenya and Tanganyika: their different *approaches* to development since each of them became independent. We had seen that despite the large domestic economic market and the relatively ‘developed’ infrastructure, Kenya, Uganda and Tanganyika became independent at different times. This was not by accident. Recall the speed by which decolonisation took place in West Africa.

The fact that Tanzania went through two *colonialisms* before it became independent in 1961 was important for her future development in terms of land and gender. But more important is the likelihood that the Germans had greater impact on the lives of native Tanzanians compared to the British.

In the German colonial hierarchy, Cameroon was a backwater. East Africa [Tanganyika], on the other hand was regarded as a prize possession. With its ancient links to the Orient and India, it had an air of romance that no other colony could rival, and for a long time, its image dominated popular imagination concerning the colonies. German scientists and scholars devoted more attention to it than to any other colony (Gann and Duignann 1977 p171).

However, the economic realities of Tanganyika were originally far more developed than the Germans anticipated. 'The colony was a meeting ground of many different cultures, a land where indigenous people such as the Chagga had developed flourishing agricultural systems and where communities like the Nyamwezi had come to play an important part as porters and traders' (ibid. p170). Furthermore, while the British discouraged cash cropping among Africans in Kenya, '[t]he Germans became convinced that only well capitalised plantations producing specialised crops such as sisal could succeed financially, and that African cash farmers would have to play a major part in the economic development of East Africa' (ibid. p 171). Wilson (1994 op cit. p21) says that

Sir Donald Cameron, as much as Lugard believed Indirect Rule was the way to stop Africans following the Indian model of anticolonial nationalism. But he did think ahead. He was clear that Indirect Rule should be 'a means and not an end' with the native administration becoming foundations for wider African political organisation, possibly in the Legislative Council, should Africans want that. ... Cameron's rather sketchy scenario in 1930 was one imagined future.

This argument started from the history of colonial policy because it is still the best way to understand the past, present and future socio-economic life of ordinary Kenyans and Tanzanians. The powers that decided to make Tanganyika a trust Territory of the United Nations are also important here. Wilson (ibid. p84) says that America was at the centre (between Russia and China on the one hand and Britain on the other) of the decision to ensure true independence or dependence 'for the peoples of the Orient, as well as Africa and the Caribbean' (p85). American delegates took a 'diametrically opposed views when Stassen aligned America with Britain, and against the Soviet Union and China, over the issue of 'self-government' as against 'independence'' (ibid. p84). Britain's stand was that of old colonial paternalism. Wilson (p85) quoting Evatt: "We are the Trustees of many great African dependencies, of which Kenya is one, and our duty is to do justice and right between the various races and interests, remembering, above all, that we are *trustees before the world for the African population*' (Evatt's emphasis)'.

This is the conceptual basis of the subsequent ideological differences that plagued Kenya and Tanzania and that also determined the prospects for a successful East African economic community during Kenyatta and Nyerere regimes. What was the origin of this ideological divide?

### **3.1..2.1 Roots of Ideological Differences Between Kenya and Tanzania.**



What do these people want? They want liberty. Let us give them liberty. They want justice. Let us give them justice.... Let us help them to climb the ladder of self-government. That is the purpose ... so that ultimately **dependent or independent** they may play full part in a peaceful, prosperous and independent world (my emphasis).

This is Wilson (ibid. 1994 p84) quoting Cranborne at the San Francisco Conference of 1945. The implied fact was that the ultimate fate of the people would either be 'independence' or 'dependency'. This dependency is what Nyerere has been against all his life. No wonder Nyerere expressed some doubt when he addressed the University of Edinburgh in October 1997 that the latest attempt to revive East African community will this time succeed. It was Nyerere who came up with an ideology of African socialism that was based on African culture of hard work and self help (Anyang-Nyon'go 1989 op. cit.). Kenya's policy on socialism which appeared as Sessional Paper No. 1 of 1965 on African Socialism and its Application to Kenya was based on nothing original. It was just a confused reaction to African socialism.

Theory needs history. This is the point I wanted to clarify about dependency and independence between Kenya and Tanzania. It is important for understanding gender equality in relation to land in these two countries. First, Tanzania inherited *nothing* from both German and British colonial masters as far as unity is concerned. The lack of anything that could be applied to positive development forced Tanzanian government to be realistic by looking East (socialism) and also by forging a sense of social contract from within (*Ujamaa*). It was only *Ujamaa* that could provide welfare in (Rawlsian terms) as primary goods. "These are defined as the basic "rights and

liberties, powers and opportunities, income and wealth'', which a society has to distribute' (Mueller 1989 op.cit p412).

Since Ujamaa implies human equality, the Tanzanian bitter colonial experience engendered better prospects for gender equality, development and peace compared to Kenya. Tanzania took their imposed poverty with pride and went ahead with the social contract (Ujamaa) to forge a united democratic state in Africa.

In sum, Tanzania benefited in two ways, first, by starting off with a charismatic leader at the national level, and secondly, by having a realistic project at the local level. Tanzania was capable of developing as a society in a state of moderate scarcity, where the poor are being made better off without great sacrifice to the rich (ibid. p413). But when it later came to land reform and gender, Tanzania exposed similar problems as Kenya. Manji (1998 p661) describes four gender issues that are prevailing in the process of land reform in Tanzania. First, the preoccupation of women groups with employment as an indicator of women's status has led to a failure to recognise the importance of land as their most valuable asset in a predominantly rural economy. Second, once women became involved in the debate, their approach was largely technocratic and legalistic. This means that women have not been in a position to set the agenda on their land rights but rather find themselves playing a reactive role to reports and other happenings about land issue. Third, the origin of feminist groups and their membership of largely urban-biased, middle-class women have limited their ability to engage with the issues which most concern rural women. Fourth, the land

issue in Tanzania has crystallised a conflict which was potentially inherent in the class constitution of the dominant women's groups. This is the potential conflict of interest for women who may benefit from the liberalisation of the land market, either as business people in their own right or in conjunction with their families. As will be clear later on, there is a striking similarity between Kenya and Tanzania in this respect. The main lesson is that land policy in Tanzania is still a debate, while women are largely excluded. I now want to examine the main factors behind land and gender differentials in Uganda and Kenya.

### **3.1.3 Uganda and Kenya: African Failure or Imperial Triumphalism?**

Uganda, like Kenya, is a clear case of a nation whose destiny was destroyed by British colonialism. The difference is that Uganda, like Gibraltar, was mainly needed for its strategic importance. Uganda was the source of the Nile, the lifeline of Egypt, while Gibraltar was the gate to the world. Furthermore, the Pearl of Africa had the richest soil in East Africa. On this soil lived the most advanced system of indigenous government in East Africa, where the status of women and men was clearly defined. There are two factors that are important to understanding land as a determinant of the status of women and men in Kenya. First, is the history of European land ownership in the present Uganda, and secondly, the origin of labour for land in Uganda. Let me discuss them in turn.

### 3.1.3.1 Ownership of Land in Uganda

Current land problem in Uganda is a continuation of a process that was started by Lugard and his indirect rule. 'In 1890 Lugard forced Kabaka Mwanga to sign a treaty giving the IBEA formal control over Baganda's external relations in return for IBEA 'protection'' (Jorgensen 1981 p45) (my emphasis). Other parts of Uganda were added on gradually. Sir Harry Hamilton Johnston (a first-class man) was chosen as her Majesty's Special Commissioner for Uganda in 1899 in order to get things on a sound footing (Sathyamurthy 1886 p71). As Kabwegyere (1974 p55) says, '[o]ne aspect of colonialism is the search for "economic territory"'. During the process of colonial consolidation in Uganda, 'the British acted according to the fairly well-known constitutional doctrine of imperial rule which they had evolved over a long period of time' (Ibingira 1973 p285).

Largely because of their policy of indirect rule, part of the doctrine of imperial rule, the British perpetuated the feeling of a separate existence for and in each tribe; they procrastinated the participation of Africans in Uganda-wide institutions like the Legislative Council and the national civil service, where a feeling of wide belonging could be cultivated. (ibid. p285) my emphasis.

The result of this was a kind of separatist tendencies among different Ugandan ethnic groups that continue to thwart efforts to promote the emergence of Uganda as a united nation-state. My concern is that as long as Uganda is not able to live as an independent, united and peaceful country, it is the ordinary East Africans that will continue to bear the blame and the burden. They will be told that their failure lies in their inability to harmonise the centre and the periphery because



[p]recolonial African states were unstable in so far as they divided rulers from subjects by kin and caste. Precolonial nationalities, as perhaps Ashanti or Buganda, were stable to the extent to which recruitment to political office by merit fostered the concept of national integration; loyalties were political rather than ascribed. (Lonsdale 1968 p215)

Is it correct to conclude that Buganda was a precolonial state or nation? Note that

[when] Lugard arrived at Mengo, the capital, in 1890 as agent of the IBEA, the Christian chiefs were deeply embroiled in disputes about control of land and usufruct. These disputes demonstrate that possession of land and usufructuary rights rather than possession of political office was the base of economic and political power in Buganda (Jorgensen op cit. p47).

When Johnston arrived in Buganda in 1900, he had instructions to negotiate an agreement with the chiefs on land tenure and fiscal support for the colonial administration (ibid.). The then dominant Protestant faction shifted from its 1891 position of ownership by faction to ownership of land by individuals. Land ownership changed from communal to individual (ibid.). Since only men were chiefs, only men had the right to individual ownership of land. Further, Johnston's original proposal and the chiefs' counter-proposals implicitly recognised that land would henceforth be a marketable commodity (ibid.).

This is the short history of land ownership in Buganda. Note that while colonial expansion started from Buganda, the competition for land within Buganda started before Lugard and Johnston. The struggle for land moved from chiefs who previously used free (slave) labour to competing Protestant and Catholic factions who viewed land as a commodity that would attract and keep subjects willing to pay rent and taxes

(ibid.). The other side of the story concerns the emergence of land problem among other ethnic groups in Uganda. Assuming that all other Kingdom based ethnic groups such as Banyoro, Basoga, Toro, etc., has similar arrangements as the Baganda; how about the Nilotics in the North, like the Acholi, the Alur, the Langi, etc.? A study of the Nilotic Alur of East Africa by Southall examined the process of domination by which the Alur dynasties become rulers of neighbouring, chiefless communities (Goody 1963 op cit. p7). Goody pointed out that the Alur had no bureaucracies, and they exhibited a kind of 'segmentary state' (as opposed to unitary state) which has one of his most characteristic features the way in which both local and central authorities exercised very similar powers (ibid. p8). The traditional Alur society qualifies as egalitarian. I assume that all Nilotic societies like the Langi, Acholi, etc., are also egalitarian ONLY in the sense that their traditional societies were segmentary.

### **3.1.3.2 Land and Labour in Uganda**

Problems of land and labour always go together, since they were also introduced the same way from Buganda into Uganda. I have explained the origin of the land problem in Uganda. Now I want to examine the origin of the labour that was used to work on the land. The British used the Baganda for the expansion of their interests- through the agent system- in Uganda. Kabwegyere (op cit. p79) notes that

The British attitude towards the Baganda was unique in the Uganda context and indeed in the rest of East Africa. ... Educated Englishmen arriving in Uganda, whether missionary or military, looked upon Buganda as having for East Africa the pre-eminent position which England had for Europe.

The Baganda, having a special position in British awareness, were employed as agents; a tool for imperial penetration and colonisation, while the British were overseeing the progress with *clean hands* (ibid.). The role of agents at grassroots level was instrumental for subordinating the egalitarian Nilotics to indirect rule. An agent was a person from a group which the British considered superior to the group where he was sent, e.g., Baganda as agents throughout Uganda (ibid.). When the British entered Lango they allegedly found no authority structure similar to the one they had left in Buganda (ibid.). They decided to use the Baganda controlled Assistant District Officers who would instruct and guide the newly created native Acholi chiefs (ibid.). When administration had taken root (through native chiefs) and taxes were being collected, agents were withdrawn.

Labour became a problem in Uganda as land tenure varied and changed over time and place. What separated the Buganda in general from the rest of Uganda was that in Buganda, was a unique land tenure system, the *mailu/kibanja* system, under which the more ambitious peasants could rise from tenant status to that of capitalist farmer (Jorgensen op cit. p87). Although capitalist farming was identified with the Bantu Baganda, not all Bantu were capitalist farmers. The non-Bantu-speaking Sebei were capitalist farmers while the Bantu speaking Bwamba were without capitalist farmers. Among the Acholi, for example, land tenure contained a mixture of hierarchical and egalitarian elements, and by 1963 inequality in land holdings was significantly higher in Acholi than in Teso and Lango. Among the Lango land was communally owned by the clan, which also regulated the inheritance of cattle and personal property (ibid. p99).

The emerging labour differentials can also be pinned to the Baganda. In traditional Buganda, food was grown by women, and law and order maintained by men who also fought wars and served at court (Sathyamurthy 1986 op. cit. p33). Labour force was highly mobile. Most men, especially Buganda moved to and fro between work on their farms and work for an employer. The Baganda did not see wage employment as alternative to their rural homestead, but rather as supplement to it. The Baganda and the Luo (of Kenya) represented different types of compromise with and partial commitment to industrial labour. Where a large amount of semi-skilled and skilled labour was required, industrial development depended on the availability of reasonably stable workers and these tended to come mostly from Buganda and to a lesser degree, from the migrant Luo labour force from Kenya (ibid. p35). Let me briefly examine the relation between women and land in Uganda.

### **3.1.3.3 Women and Land in Uganda**

Agricultural labour force in Uganda consisted almost entirely of processing of the two main British introduced cash crops; cotton and coffee (ibid.). Jorgensen (op cit. p94) argues that

[a]lthough the husband and wife each contributed labour to growing the new cash crops, men controlled the product and kept the proceeds from the sale of coffee and cotton. In a stable marriage this instability might be partially offset by the husband's purchase of cloth for his wife. But, given the high divorce rate, women resented contributing labour to crops which enriched the husband, especially coffee, a perennial crop whose productivity might far outlast the marriage. Women preferred working on food crops, whose product they controlled, including rice, which was a cash/food crop.



Since women are usually the ones in charge of food crops, they needed land which they could call theirs and which could be used for producing family food.

IN Uganda, the garden and its cultivation have always been a woman's department. Princesses and peasant women alike looked upon cultivation as their special work; the garden with its produce was essentially the woman's domain, and she would under no circumstances allow her husband to do any digging or sowing in it. No woman would remain with a man who did not give her a garden, and a hoe to dig it with; if these were denied her, she would seek an early opportunity to escape from her husband and return to her relations to complain of her treatment and to obtain justice or divorce (Roscoe 1965 p426).

First, women wanted land from their husbands. This meant a lot for marital stability among women and men. A person who had no land at all to give his wife could not marry if he were living in rural areas. If he were employed in town, he needed to buy land in a rural area, where he could put up a home and find a garden for his wife. Secondly, women wanted hoes from their husbands. This meant that husbands had to be able to afford a hoe. Before entering into marriage, a man had to have a piece of garden in the rural home and also be able to afford a hoe. What a paradox for a man who had no land and no employment since his wife could not be a princess!

Compare this case of woman and land in Uganda with Figure 1-1 in Chapter One. The left side of the figure showed how rural land consolidation can lead to men's inability to pay dowry, and then loss of value of rural girl child. If a rural woman refuses to marry a man who has no land, she has refused to become a victim of landlessness. If a rural woman loses value because no man has enough dowry to give her a higher status, she has become a victim of landlessness. The lesson we need to learn here is

that '[d]emands may well be mediated by cultural factors but what usually emerges in response to externally initiated programs [like land consolidation] are interests which can hardly be explained by reference to traditional values or structures alone' (Doornbos 1975 p56).

It is the same story of **landless men and valueless women**. It is also a story of power struggle in the context of poverty. Cohen and Atieno-Odhiambo (1989 p85) say that '[power] is not a question which is easy for men of Siaya to settle; and it is no easier for all the voices that refer to the station of women in the wider society'.

I conclude with a few words which they 'heard' from ordinary men of Siaya talking about women on their way to Ndere market:

One of them may suggest that 'proper women are women who know how to subordinate themselves to men', and that 'this is the way it should be'. Another may remark that 'this is hardly the way women behave', for there are uncountable examples of women assuming major roles, of seizing the initiative from the men - fathers, brothers, husbands and sons - around them. Still another may remark that certain women 'have the power to tame men'; 'they wield powerful words and have learned the secrets of imposing their will upon their husbands' (ibid. p85).

### **3.1.3.4 Conclusion**

This section has dwelt with what lies behind current status differences between men and women in East Africa. I have demonstrated that the current poverty and landlessness in East Africa is man-made. It started in Tanganyika and Uganda by the German and British colonialists respectively.

When Tanzania became independent, it had a leader who was aware of the source of the poverty in his country. Since a guinea fowl never leaves its feathers, that was real luck. The problem with Uganda, however, lies in what Leys C (1967 op. cit. p97) has called 'a cabinet of divergent views', a comparison similar to Odinga's view of KANU as an amalgam of divergent tendencies.. This is the incompatibility of contentions between Buganda and Uganda for dominating the political centre. Such a cabinet will always have a problem of harmonising the political centre with the periphery in order to foster a united nation.

I had three reasons for discussing these regional factors. First, they are factors that are specific to Africa and specifically help understanding the black man's burden in East Africa. Secondly, they are the regional factors that are necessary for understanding the uniqueness of East Africa in the African set up. These factors are also central to understanding the effect of land reform on gender differentials in Kenya. I have also given a specific example from Siaya District of Kenya, which shares boundaries with Uganda and Tanzania in the middle of Lake Victoria. Another factor is that geographically, Siaya District lies at the geographical heart of East Africa. I now want to focus on Kenya.

## 3.2 PROBLEM WITH KENYA: DEPENDENCY OR EXCLUSION FROM LAND?

Dependency breeds exclusion. A permanent nightmare for Kenyans is to understand how colonialism created a scenario in which they continue to be dependent as well as excluded from *their* national wealth, i.e., land. It also started with colonisation and is likely to become Kenya's permanent political heritage from the British. From 1885 to 1999 is now 114 odd years! Let me discuss a few specifics that are a matter of life and death of native Kenyans and Africans in this regard.

### 3.2.1 Kenyan Alternatives or Dilemmas?

Kenya is still living with the dilemma of inability to handle the dependency that was imposed on her by settler colonialism. Subsequently, Kenya has no way of dealing with the structures of dependency and exclusion that were imposed on her by land consolidation. Colonialism and land consolidation imposed three factors that native Kenyans are yet to understand. Kenyans are yet to answer the following questions: Who is a Kenyan? This is a matter of being a native and a citizen of Kenya. Secondly, Kenyans need to answer the question: Who owns the land? Thirdly, who provides the labour needed on the land and in the so-called nation-building? This is a question of citizenship, landlordship and labour. Remember that

no society can achieve greatness except with the framework of a set of ideals, assumptions and ideas about economic and political organisations which command the clear and committed support of an effective majority of the population (Manley 1982 p55).

These are issues that can only be handled by a country that is in control of herself, within the principle of self determination.



3.2.1.1 Who is a Kenyan?

In other words, who is a citizen of Kenya? Assuming that Kenyans are all those in schema 1-B in Chapter one, let us examine to what extent schema 1-A is correct, i.e., whether Europeans are also Kenyans. This question is about those Europeans who say that they are citizens of Kenya, who claim Kenya’s citizenship. It is also about those Europeans who also own land and therefore claim landlordship in Kenya. Remember that *those who control land are in a better position to influence government*. It is therefore extremely important that only citizens control land in an independent country. The first issue to discuss is citizenship.

Turner (1997 p17) says that ‘the idea of citizenship is a central aspect of the modern struggle for democracy and an essential concept for the analysis of international conflict over scarce resources within a world economy’. My understanding of citizenship fits in Turner’s revised model as shown below:

A REVISED MODEL OF CITIZENSHIP		
Period	Person	Rights
City-state	Denizen	Legal rights
Nation-state	Citizens	Political rights
Welfare-state	Social citizen	Social Rights
Global capitalism	Human being	Human rights

Source: Brian S Turner: Citizenship Studies: A general Theory in *Citizenship Studies*, Vol. 1 No.1, 1997 p16.

I assume that Kenya is a nation-state with indigenous Kenyans as citizens with political rights, that Britain is a welfare state with the British as social citizens having

their social rights. It is understood that Britain became full a welfare state in 1950 after many Acts of Parliament that came after the Beveridge Report of 1942 (such as Education Act of 1944, Town Planning Act of 1947, National Assistance Act of 1948, Housing Act of 1949) (Townsend 1975, Hill 1993). Britain therefore moved from being just a nation-state. Note that when Britain became a welfare state, Kenya was her colony. This begs the question: Why did the white man's country not become a welfare state as well? Didn't the whites in the colony also need the insurance and assistance that were the cornerstones of a welfare state?

Let me discuss citizenship first because I will argue that landlordship is a right only to indigenous Kenyans. It is a political right. One is a Kenyan if and only if his/her ancestors were *Kenyans*. Those who used force to become landlords in **Kenya** can not claim that they are native Kenyans. Why? Because one can not use force to become a native. One can only conquer others and then settle on their land, but the conqueror will ever remain a settler! Also note that it was the European's arbitrary creation of African state boundaries that is responsible for many boundary problems in Africa now. Creating the current boundary between Kenya and Uganda, for example, was entirely a responsibility of Britain. Who gave Britain the responsibility?

Kabwegyere (op cit. p56) says that '[b]efore boundaries were finally settled, the area included under Uganda Protectorate was much larger than present Uganda. The area extended as far as Kiambu and Lake Rudolf in present Kenya'. Who eventually became a Kenyan was a creation that split African families into different nationalities.

Ethnic groups all along the present Kenya were victims of British engineered political boundaries. According to Griffiths (1995 op cit. p85),

[t]he First World War wrought other colonial boundary changes. Jubaland was given by Britain to Italy in 1924 for joining against Germany in 1915. Kenya was compensated in 1926 when its western frontier was moved at the expense of Uganda.

Too bad for those Africans who grew up to find that their land was divided by an international boundary and some of their relatives in a different country. Examples are like the Masai, the Sebei, the Samia etc. in Kenya, Tanzania and Uganda. They may know who was responsible, but do they know the reason why that person acted the way s/he did? It was to change the structure and create a culture of cheap labour and dependency on Europeans. This happened all over Africa during colonisation. More important, however, was the difference between the individual European colonial powers and how they were treating the natives in their colonies. Were the natives also equal citizens, whose welfare and social security was also worth the attention of the government or were they just labourers and squatters on white man's 'country'? It has to be emphasised that human welfare and social security could not be encouraged by a system that was not concerned with human equality in the first place.

Ideas of equality in Africa had indigenous origins as well as external sources. The latter included the impact of Christianity and the principle of human neighbourliness, and that of Islam which sometimes demonstrated greater racial tolerance than was achieved by most Christian churches in Africa. Internally, there was the historical background of the African who, partly because of relative isolation from other races in the past, and partly because of certain values of fellowship and hospitality within the tribal ways, had not accumulated as many racial prejudices as the paradoxically more 'cosmopolitan' white man. Latest among the channels through which the ideas of equality have entered Africa is that of European socialism - of Marxism, the British Labour Party and other shades of belief (Mazrui 1974 p354).

There could only be equal citizens if it was a matter of equality for all races, Asians, Europeans, Africans, etc. This could not happen. The British made sure that all social services, education, health facilities, social clubs, etc. were separate for Africans, Europeans and Asians. Secondly, the British discouraged inter-racial marriage, and that is why there was no miscegenation and the presence of mixed races in Kenya (ibid.). The important question was the 'belonging' of the European settlers in Kenya.

### **3.2.1.2 Settlers: British Kenyans or Europeans in Africa?**

This is a matter of whether these settlers considered themselves as British Kenyans or just Europeans in Africa? In Chapter one, I argued that Kenya is not a multi-racial, but a multi-ethnic society. The argument is that none but native Kenyans have a right to rule themselves in their land. Had it not been for the geography that suited agribusiness, settlers would not have come and therefore Kenya would not have been created. We know that

in Kenya, as in other territories with important immigrant minorities the political centre was already preempted; it was natural for Africans to seek local defences especially as the settlers at the centre were known to have designs upon the tribal lands. But land has in many areas of Africa played an important role in the development of political focus, not least because its status was directly connected with treaties, the first legal instrument of European and African contact (Lonsdale 1968 op. cit. p210). (my emphasis)

There was nothing like equality in Kenya, because the British interest in Kenya came as a result of the British interest in Uganda. That is why *Kenyan* colonisation started with the Uganda Agreement, which was initially forced on the Baganda, but which



was used by the British, through the Baganda agents and local Chiefs to subdue and control other ethnic groups in Uganda and the Eastern province which became part of Kenya in 1926. Secondly, assuming that the important minorities were white settlers, recall that the British government had been advised by the law officers as far back as 1833, that the exercise over the protection of a state did not carry with it power to alienate land contained therein (Ghai and McAuslan op cit.). To resolve this issue, the East Africa Lands Order in Council (1901) vested crown lands<sup>2</sup> in the whole of the protectorate to the Commissioner.

I have yet to find a reason why the white settlers could even bother about equality and welfare of natives in Kenya. Padmore (1949) said that for capitalists, there are no permanent friends, only permanent interests. The most serious obstacle to an 'orderly transition' in Kenya through the two crucial conjunctures in her history (colonisation and decolonisation) was the land question, centred on the fate of the White Highlands. Resolving the land question would not only guarantee the continuity of the colonial capitalist economy, but would also act as a mark of socialisation of Kenya's new leaders in managing the inherited colonial system (Wassermann 1976 op. cit.). A question that now faces those who believe in human equality in Kenyan and in Britain is: Do Kenyans have to continue managing the inherited structure of land consolidation and settler agribusiness?

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<sup>2</sup>Crown Lands were defined as all public lands within the East African Protectorate which for time being are subject to the control of Her Majesty's Protectorate, and all lands which have been or may hereafter be acquired by her Majesty under the Lands Acquisition Act 1894 or otherwise.

This is the question on which the future of indigenous Kenyans depends. If export agriculture is still dominated by Europeans, then one can see why Kenya is an agricultural country. According to van Zwanenberg (1972 p215), '[e]conomic developments were not intended to develop the domestic economy, but to satisfy external demands'. Towards the dawn of independence, the colonial government had ensured that native Kenyans were cheated into believing that the economy of their motherland was good for nothing except agribusiness. After colonialism, they were again cheated that Kenya was a paradise for international tourism, and they believed it. The British therefore managed to be in complete control of economic development in Kenya. Mazrui (1967) said that the path for Kenya and Rhodesia

was supposed to be a gradual one towards majority rule. The path for Kenya and Rhodesia was one of indefinite white leadership, with the ultimate goal of some kind of multiracial division of power between whites and non-whites.

That was true for Kenya and Rhodesia. But for Kenya and Uganda, it was based on a different strategy: the Kenyan settlers became economically dependent on the indigenous population (Mosley 1983). But in 'peasant export' colonies such as Uganda, Ghana and Nigeria, the white immigrant population was purely administrative. In colonies such as Australia and Canada, the indigenous population was so sparse as to be unimportant either as a market or as a factor of production in the colonial economy. What distinguished Kenya from Uganda was the economic dependence of European producers on the Kenyan indigenous population. This point must be repeated and emphasised because the Luo ethnic group as well as what

became Siaya district were at the centre of both peasant and settler economies in Uganda and Kenya respectively. How was this scenario ensured?

### **3.2.1.3 Land and Labour in Kenya: From Incorporation to Dispossession?**

This question concerns the origin of underdevelopment of the Luo people generally and those in Siaya in particular. Since dispossession in this case means exclusion, it is a question of how settler colonialism managed to subordinate the Luo labour, first in Uganda and then in Kenya. History tells us that during the time of Luo migration into Nyanza, Alego, Siaya was the initial base of Luo presence in Kenya. Those who initially settled in Alego were Jok'Owiny, who were

perhaps closely related in their migrational history with the Lwo speakers who comprised the Adhola group. Passing along the western foothills of Mount Elgon from northern Uganda, they crossed what is now Budama to the eastern side of Busoga where they joined the other Lwo speakers in establishing camps at Budoola and Banda in the mid-sixteenth century. They were probably in the camps for more than fifty years, for they were moving south-westwards into Alego in Kenya by the early years. At Alego they found a number of Bantu speaking groups whom they defeated. Some of the Bantu were absorbed into the Lwo linguistic group while others were driven off to Samia and Bunyala coast of lake Victoria near the Kenya-Uganda border (Cohen 1973 p1147).

Another major account of underdevelopment in Siaya and Kenya starts from here. That is why it also needs both theoretical and empirical examination. If past injustice has shaped present holdings in various ways, some identifiable and some not, then what now (if anything) ought to be done to rectify these injustices? We cannot know what to do until we go back to the *nature* and the *cause* of the past injustices. Following are three points that illustrate the nature of the injustices.

First of all, the nature of the injustices partly lies in European attitudes and policies in relation to colonialism. When faced with realities of decolonisation, Britain (carefully) and France (hastily) adopted a more 'enlightened' attitude - of ensuring a retention of the links with the mother country after independence; through the Commonwealth in Britain's case and CFA in French case (Urwin 1991). We now hear that ghosts of the Cold war, diamonds, oil, colonial boundaries, arms dealing and ethnicity seem all to fuel Africa's disasters (The Independent, Saturday 30th. January 1999 p15). But how and when did the disasters start?

When it came to land, the situation was different. In Kenya and Rhodesia, white opposition to independence was bitter because of a congenial climate that had encouraged significant European settlement. That is why Mau Mau became the most intense war of liberalization that Britain faced in Africa.

Second, during the process of African decolonisation, South Africa was considered already independent. According to Wilson (1994 op cit.) South Africa became independent in 1910. Assuming that was true, the nature of the injustices could be seen in the core-periphery policy to incorporate various southern African countries into the Union. This eventually led to total economic dependence upon South Africa flowing from the system of migratory (male) labor and the pattern of capital accumulation in the South African cities (Wilson and Ramphela 1989). With men migrating to work in South Africa, women, children and the aged were left in the periphery.



Third was the emergence of a split labour market theory.

The central tenet of split labor market theory is that racism emerges from a difference in the initial price of labor between groups. A complex class struggle develops from the price differential which drives the wedge between the groups of workers still deeper.... The price of labor varies along "racial" lines in part because of national differences in evolution toward capitalism, with western European "whites" leading the way. Imperialism exacerbated the difference by undermining indigenous economic development in the colonies. In addition, colonial conditions of a high ratio of land to labor combined with the attachment of indigenous peoples to precapitalist modes of production to create special colonial labor systems, based on various degrees of coercion of both "native" and imported workers. Thus a contrast emerged between "free white labor" in Europe and "coerced colored labor" in the colonies (Bonacich 1981 p243).

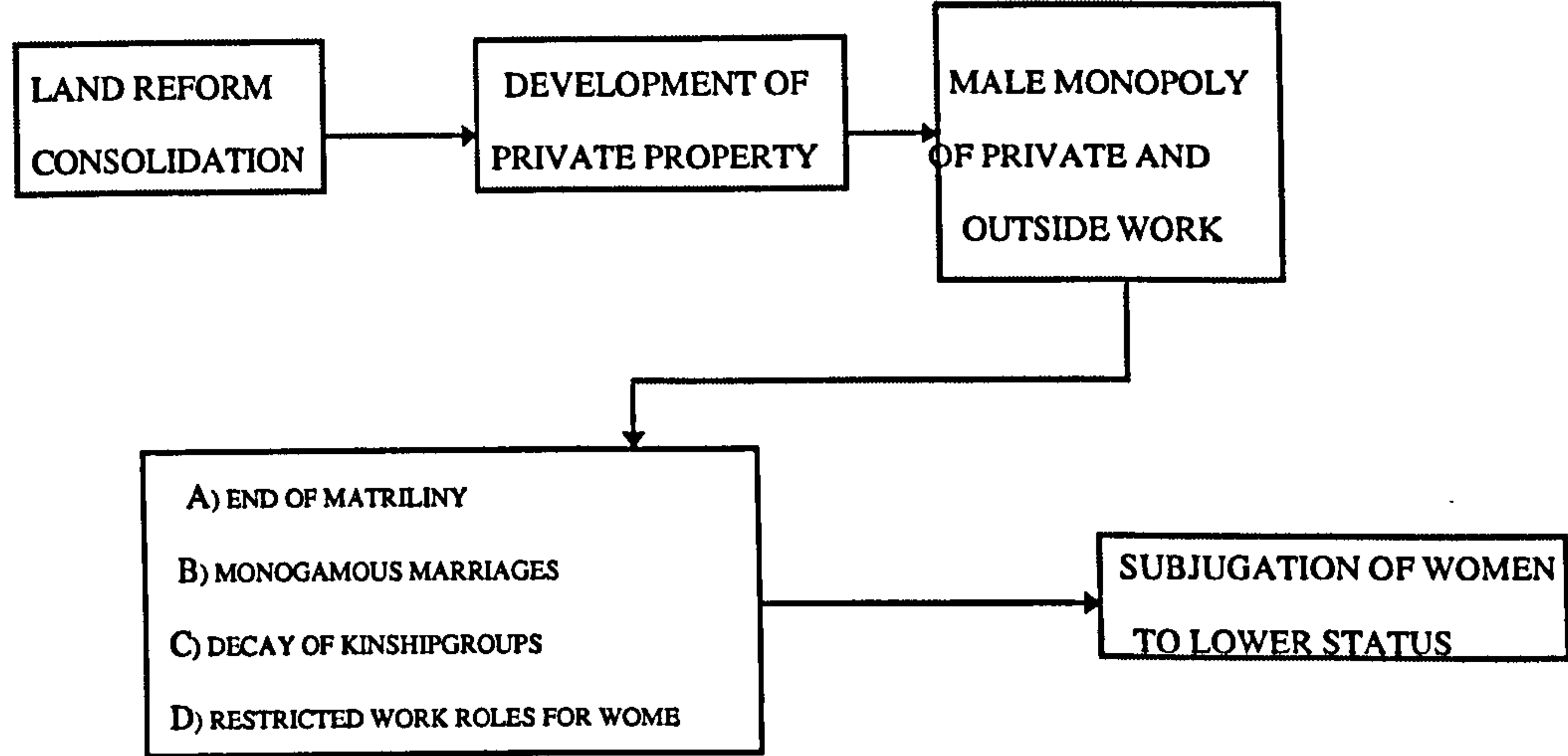
To clarify this concept, I must quote Bonacich (ibid. p243) at some length.

Within Europe, many people who were being displaced by the increasing concentration of capital fled to the 'settler' colonies. For Britain, these were the United States, Canada, Australia, New Zealand and South Africa... These white settlers sought to re-establish themselves as indifferent farmers and artisans. They brought with them fear of big capital, knowing it could undermine their independence and turn them into "wage slaves". Although not strictly speaking "labor," they were nevertheless "highly priced" in the sense that it took a very attractive offer to induce them to enter the labor market, while they were prepared to resist coercion with arms and fight to the death. Thus a split labor market emerged not only on a world scale, between Europe and the rest, but also at a local level within some of the colonies. Today, the movement of Third World peoples into Western Europe and the (now imperialist) United States, we see another split labor market in the metropolitan territories.

If we see the regional problem posed by South Africa in the context of the 'national' problem posed by the settler minority in Kenya, then the cause of injustices posed by land consolidation and labor migration in Kenya should be clear. A central argument of this thesis becomes clearer when the whole logic behind dispossession of land is considered from a gender perspective. This is when women in agrarian societies are

made to suffer from land reform as well as multiple colonialisms and racisms resulting from their landlessness due to land consolidation. This process is well illustrated by Engel's argument in the schema adopted from Whyte (1978 p162) below:

SCHEMA 3A: ENGEL'S VERSION OF WHY WOMEN'S STATUS VARIES



Source: Martin King Whyte: The status of Women in Preindustrial Societies, Princeton, Princeton University Press 1978 p165.

I agree with Engels, although Whyte points out some areas in which he does not agree with him. First, Whyte argues that private property is not simply the product of advanced agriculture or the influence of foreign colonialists. The opposite is exactly what I have tried to show above, i.e., that land consolidation in Kenya, for example, was due to influence of foreign colonialists. Consequently, since a colonialist is an

invader, s/he cannot be a citizen of the colony. Second, Whyte says that there is no evidence for a general matrilineal stage in human evolution. He then agrees that where matriliney exists, intensive agriculture tends to undermine it. Third, I do not think, as Whyte does, that Engels exaggerates the difference between the lot of women in stratified, agrarian societies and in simpler societies. As societies move through the stages, from simpler to stratified, status of women varies differentially. For example, if we closely examine the Kikuyu, Kamba and Masaai societies, as referred to in Chapter 1, we find that Kikuyu women are stratified, and therefore more unequal compared to Masai women. I therefore support Engel's famous statement quoted by Whyte (p166):

The overthrow of mother right [as a result of the advent of private property] was the *world historical defeat of the female sex*. The man took command in the home also; the woman was degraded and reduced to servitude; she became the slave of the husband and a mere instrument for the production of children. (emphasis in text)

The worst kind of overthrow of mother right was when women became landless and had to sell their labor to survive. Among Kenyan Kikuyu women, for example, the overthrow of mother right was caused by Mau Mau triggered land consolidation, and among Luo women it was caused by underdevelopment triggered land adjudication. I know that there are many people who might also not agree with Engel's famous statement despite the fact that millions of people die of hunger in Africa almost daily because nobody is available to utilize their labor! This point must be restated in a different way. I will use an example of a true family experience to in Alego, Siaya.

### 3.2.1.4 Reconceptualising Dispossession of Land in Kenya

There was a conversation within a family in Alego: an old man, his two sons and his grandson. The *Mzee* (old man) fought in the Second World War. His first son was a baby-boomer, born three years after the end of the war. He is usually called *Bwana*<sup>3</sup>. Another son is called *Uhuru*. *Uhurus* are those people who were born around 1963 when Kenya became independent. *Mzee's* grandson is *Bwana's* son, called *Nyayo*. *Nyayos* are those people born around 1978 when *Moi* became the President of Kenya. *Mzee* is 85 years old, *Bwana* 50, *Uhuru* 35 and *Nyayo* is 20.

*Bwana: Mzee, tell us your life history in brief.*

*Mzee: I joined KAR (Kenya African Rifles) in 1940. We were taken to Siaya, then to Kisumu where we were baptized. I was given the name Jacobo. After the war, I came back and married your mother. I paid 20 shillings and ten heads of cattle as dowry. We then went to Uganda and I got a job in a coffee plantation and worked there for many years. When land was being consolidated I came back and built my home on my plot where we are now.*

*Uhuru: Do I also have land?*

*Mzee: No. This land is in my name.*

*Uhuru: What about my sister Turfena, she is not married and has children. Where will she live?*

*Mzee: I do not know, but she can not live here all her life.*

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<sup>3</sup>*Bwana* is a characteristic term of East African English, and has spread into the general language in that context: typically in colonial tales of explorers and white hunters in old Kenya, Tanganyika, and so on' (John Ayto, 1995, *Dictionary of Foreign Words in English*, Ware, Wordsworth).



Uhuru: *Who said that land be consolidated?*

Mzee: *Sirikal (Government).*

Nyayo: *How much money did you pay for being baptized?*

Mzee: *Nothing, we were just baptized sirikal (i.e., free).*

Nyayo: *Since you were baptized as Jacobo, are you a Christian?*

Mzee: *What is that?*

Nyayo: *I mean ... and the talk continued.*

There was a problem. Uhuru has realized that he and his family, including his sister and her children are completely landless. He has become conscious of his status or class as a landless man. Bwana does not realize that he is also landless, since the land is in the name of Mzee. The law says that the land belongs to Mzee. Bwana and Uhuru can only rely on custom, which says that only men have the right to inherit parental land. Worse still, they are all staying at the rural home, jobless. Nyayo's problem is that he can't understand why his grandfather was baptized free of charge while he had to pay so much to be baptized. Why was Mzee baptized by the government.

The effect of land consolidation on the life of ordinary Kenyans is enormous. Who will address the problem that now faces Mzee's family? Is it an individual problem, a family problem, a community or national problem? Imagine how many Kenyans have become landless since land consolidation was started in Kikuyuland in 1956 until it

was stopped in 1997, a whole 40 years of mounting landlessness! Imagine the reasons why it was stopped:

The consolidation program which was started in 1956 and aimed at gathering land fragments into reasonable sizes and shape. Customary laws of some communities did not allow this kind of consolidation and hence the program did not fully achieve its objectives. The program, however, succeeded in Central Province where consolidation work is now complete. Work is in progress in Meru, Taita Taveta and Baringo districts and is scheduled to be finished within the Plan period. Due to the constraints faced while implementing the program, it is to continue only in those areas where it is at its advanced stage; otherwise the aim is to phase it out during the Plan period. It is expected that consolidation in other areas will be taken care of by economic exigencies (Rep. of Kenya 1994 p109).

Where is a policy that can rationalize the beginning and the end of land consolidation in Kenya, i.e., that can show evidence of any logical connection between the origin and end of land reform in Kenya? There are many questions that need to be answered about Kenyan way of planning. The same development plan made a bigger blunder on gender and land:

Owing to land inheritance patterns which favour males over female offsprings, policy measures will be taken to encourage joint decision making on land utility and its accruing benefits between spouses (ibid. p254).

Land and labor have such a long history that cannot be ignored by those concerned with gender equality and social justice in Siaya and in Kenya.

Why the ownership of land is distributed as it is ultimately a historical question. When population was sparse and land abundant, the issue was not so much of the appropriate use of *land* as the appropriate use of *labor*. Thus the beginnings of modern history are marked not so much by battles for land, but struggles for the control and use of labor...The notions of property rights slowly began to emerge, beginning with notions of community or tribal rights to tracts of land and culminating in the structure that we know today in many parts of the world: ownership rights by a single individual or family. (Ray 1998 p445) (emphasis in text)

The point is that individualization or 'familisation' of land had already historically evolved in *Kenya* (every ethnic group to itself) by the time indirect rule came in from Uganda. This is what the colonial land consolidators wanted to stop so that they could turn all Kenyans into *their* laborers. This is what the people in charge of land policy in Kenya are still not clear about. The *difference* between women and men becomes clear when women's labor is discriminated against by potential employers, i.e., when valueless women become both landless and jobless. Where do they go? This is what differentiates the status of women and men, not 'land inheritance patterns which favor males over female offspring', as Kenyan economists tend to believe.

Kenyans need to watch out because development economics pegged on public administration is very underdeveloping. Killick (1980 p367) said that 'outside the diplomatic convenience of international agencies and other aid donors, there is a real sense in which the Third World no longer exists'. According to Townsend (1993 op. cit. p180), Kenya's independence was not accompanied by planning concepts of a more egalitarian or reconstructional kind, as derived from the objectives of African socialism. In an account of the poverty in Kenya, he sees similarities with poverty in the US and the UK. Inequalities in land ownership had become very marked indeed and had been perpetuated and even reinforced under the different changes in government (ibid. p184). Moreover, the poverty of many rural areas is the consequence of new impositions rather than of the practices, styles of life and

traditions of centuries beforehand (ibid. p185). This is because, as Denman (1997 p161) says,

State Planners (with capital P) have come to assume a kind of imperium and to borrow, or hide behind, the political power of the State. The manoeuvre does not negate the property power axiom, merely masks it... Planning power is negative, however powerful; property power is positive. When the two are fused in State owned resources, the contention fades away and the property owner, the State, has a free hand.

Who can claim unawareness that landlessness and poverty in rural Kenya resulted from land consolidation which was imposed on all Kenyans in total disregard of the practices, styles of life and traditions of centuries before hand? In view of the foregoing analysis, I hope that it is *now* possible to understand how ordinary Kenyans, the majority of whom live in rural areas, have continued to be underdeveloped, and how Siaya District has been a special case for underdevelopment.

### 3.3 CONCLUSION

This chapter has shown that the irrefutable basis for human equality is that human beings started in Africa. Second, color or sex are irrelevant in explaining European-made inequalities that Africans are suffering today. Third, the responsibility for creating this historical inequality and poverty in East Africa, and for ensuring that indigenous Kenyans are permanently dispossessed of their land irrespective of sex is on Britain. Fourth, Siaya District is a special case in the process of British underdevelopment of East Africa and of Kenya. The next Chapter is a report on the field work done on the effect of land consolidation on the differential status of women and men in Siaya.



## **Chapter 4**

# **LAND CONSOLIDATION AND THE DIFFERENTIAL STATUS OF WOMEN AND MEN IN SIAYA DISTRICT**

### **4.0 INTRODUCTION**

This chapter presents the findings of the Siaya fieldwork. As I explain in more detail elsewhere (Appendix 2), I spent three months in Kenya and interviewed 48 individual respondents; I had 4 focus group interviews, a total of 29 in-depth interviews with key informants in Siaya, Nairobi and in Bristol. I also observed one 'court' proceeding in Siaya.

I will first discuss language, tradition, culture and customs of the people of Siaya. The terms and concepts that are necessary for understanding Luo consciousness with regard to my topic have to be clarified. I will then report on the question whether Siaya District is a spent force in Kenya. I will examine the evolution of the current relationship between Kenya as a system and Siaya as a society. I will then analyse how the process of land reform and landlessness as currently perceived in Siaya. I will also analyse and report on whether education empowers women in Siaya. Lastly, I will make a brief interpretation and theoretical explanation of the findings from Siaya.

## 4.1 A MISSION TO DEVELOP SIAYA DISTRICT?

I did this field research in a society that has had at least four centuries of experience in land use and ownership. The local conventions predate the country by at least three centuries. This was a *Kenyan* society. No sooner was **Kenya** as a country *imposed* on Siayan society than a whole foreign civilisation was also imposed on them. This imposition, described at the time as ‘civilisation’, had lasting effects on the language, tradition and customs of the people.

### 4.1.1 Language, Land and Status in Siaya

The majority of people I interviewed in Siaya belonged to the Luo ethnic group. Almost all the key informants and the focus group discussants held their discussions in Luo language. I talked in Luo and took notes in English. Concerning the concept of land ownership, Siaya people simply said: ‘Yes, I have land’ or ‘This is my land’. There is no difference between land that is owned and land that they can only access, additionally there was no clear difference between individual and family land. Even those who own no land at all but only have access to family or clan land say that they have land. I thought that this was the way of expressing their sense of belonging to a common origin. For example, if everything happened to go wrong with an individual Luo adult person anywhere in the world, all s/he knows is that s/he has somewhere to *land on*. This is the *dala* (rural home). That is their perception of their roots, as expressed in their mother tongue.

Sadly enough, during my research in Siaya, I saw families (and coffins) who were returning from the Coast Province because of the killings that were going on there at

that time. Some of these families had stayed away from their rural homes for over four decades. They had even bought land on the Coast and had built homes there. These people, dead or alive, had to return to their land and their roots.

The Luo concept of land has a very strong cultural and traditional history. I used two languages, i.e., the local language (Luo) and English. I had a good reason for doing this. According to Becht (1975 p183),

[t]he depth and feeling with which people perceive land is expressed in such terms as 'Fatherland', 'Motherland' or simply 'my land'. And national mottos or other such forms of inculcation have helped prepare or condition people to accept death (for some) for the sake of their country. Land thus perceived is part and parcel of man, and man can not be studied meaningfully without consideration of land.

Among the Luo, or any other ethnic group for that matter, 'my land' may not mean the same thing as among the Aborigines in Australia, for example. Obviously, considerable knowledge of the local culture and language is needed in order to gain conceptual or as some call it "functional equivalence" of 'my land' (Mitchell 1983).

If I had been interviewing native English speakers in Siaya, and speaking in English, their perception of land ownership would have been very different. However, I did everything to clarify any confusion that may have resulted from the native perception of land ownership and landlessness. For example, I prompted the same concept in different ways and at different times in the discussion. I 'shot' the same question from

different angles until I felt I had obtained correct and not incorrect information vital in understanding Luo cultural perception of land.

#### 4.1.2 Land and the Luo Culture

A number of local concepts must be specified. The first one is *chira*. There is no more important way of understanding Luo societal power relations than getting to know what is meant by *chira*. *Chira* is a lethal punishment that befalls an individual adult person who has knowingly disobeyed a particular Luo indigenous rule. One of the most lethal types of *chira* is the one that is related to land disputes. For example, *chira* will befall those who swear an oath in a land dispute that is not genuine. This particular type of *chira* is not curable. Since land belonged to the clan, inter-clan disputes over land were minimised because people were afraid of *chira*.

Secondly, the Luo argue that women should not claim or inherit land in their parents' homestead because of *chira*. Since Luo society is patrilineal, land traditionally belongs to men and the clan. Where a girl claims the parental land the girls' brothers will suffer. Therefore, most claims of this kind are never made. It affects residence. Brothers want their sisters to marry out of the family as soon as possible. I was told of instances where physical fights have occurred between brothers and sisters because brothers would not allow sisters to own their parental land.



But *Chira* can be cured by a herbal medicine called *manyasi* (pl. *manyase*). The traditional medicine-man who had the *manyasi* and knew how to administer the curing process was called *ajuoga* (pl. *ajuoke*). I found that there is one serious *chira* problem that is related to land in Siaya. Most good *ajuoke* who knew how to deal with *chira* are now dead. In Siaya, *chira* is now like AIDS, a disease without a cure.

Apart from *chira*, there is *sinohonoho*. If a case of *chira* occurs in a family and fails to be cleansed, the Luo believe that it will occur again. For example, members of the same community or the same clan are not allowed to get involved in a dispute over land. Luo elders knew that land disputes could easily stir up emotions and fights. This was a particular reason why the Luo did not allow women to be involved in land issues. Luo elders argued that women tend to be emotional and try to keep women out of land disputes. It was believed that women could easily be overcome by emotions and start crying or wailing. This could trigger a fight between the community members or clansmen involved in the dispute. Such a fight could lead to someone being killed. This would be a very bad *chira* requiring a big cleansing operation such as sacrificing a bull for all members of the community or the clans involved to eat. Drinking a mixture of the bulls' blood mixed with *manyasi* was the 'cure' for this misfortune. Note that this was a very expensive process because a bull was wealth. If nothing is done to prevent *chira*, -the punishment- from taking place, it becomes *sinohonoho*, which meant that the problem will arise again and again. The main problem is that a *sinohonoho* arising from land dispute can finish a whole family, or even a clan, since there is no *manyasi* for *chira* arising from land disputes.

The daunting prospect caused the Luos to develop rules to cure the problem of land ownership at individual, familial and community levels. That was the law and order, as spelt out by custom and traditions. It dealt with the traditional environmental and land questions. But unfortunately, on top of the traditional environmental questions, there came (from on high) another one, i.e., land reform. Land reform in the 1960s and 70s created a real recipe for social disorder in Luoland. Given that throughout both colonial Government and post colonial governments of Kenya, vital registration is not yet complete, Siaya people just assume that when someone grows thin and eventually dies, that death must be due to *chira*. I found an unbelievable devotion to African traditional medicine in Siaya.

Another cultural practice concerned what is known as *msiro*. *Msiro* is an event that has to take place in some particular situation. For example, if an old man dies, four days after burial, there is a traditional ceremony called *ywe liel* (literally, sweeping the grave). On that day, all children have to be shaved clean, beginning with the first son. Then there are other things the son must do on that particular day. For example he must sleep in his (first) wife's house that night because he has formally taken over the position of his father in the family. If a particular *msiro* is not done in a family, then it can never be done down the lineage of that family. For example, you can not do it when your father dies if it was not done when your grand father died. It then becomes a *sinohonoho* in your family line. The problem with that is that the rule regarding succession to the family throne ceases to be valid and this is locked in the memories of the elders. The family institution in the society then disintegrates. There

is nothing the Luos respect in a society more than a family. Note that a girl can not be allowed to undertake this *msiro* in case there is no boy in the family. All girls are expected to marry away at some point in time. They cannot undertake the *msiro* because, in adult life, they do not belong to their parents' home. Their station in life changes to that of their husbands. That is the tradition and custom as well as the dilemma with land reform and status of women among the Luo of Kenya.

#### **4.1.3 Land, Tradition and Custom in Siaya.**

One of my findings from Siaya is that the Luo people are very clear about their traditions and customs. In fact, like other ethnic groups, customary land law dictated the level of rights of use and control over land by the individual members of the family, and generally, only sons and not daughters inherited land (Mbithi and Barnes 1975). Like the Kikuyu, the Luo had specific reasons why girls could not inherit land from their parents. Firstly, a girl or daughter of a homestead is not allowed to plant seeds before the head of the homestead does so. That would invite *chira*. The big fear was that if girls were allowed to own land, they could unknowingly go ahead to plant their land disregarding the rule. Secondly, a Luo girl who has been married can never be buried inside her father's homestead. That too would invite *chira*. She will be buried outside beside the homestead. I asked why this is so. The answer was: 'because this will enable her mother to perform her funeral rites *as if* she died away from the home. If her funeral rites are held inside her parents home, as if she were a boy, other children, especially girls will be 'spoilt', i.e., will not marry successfully or lead normal marital lives. Thirdly, a child born to a son of the homestead belongs to the

clan of the father. But a child born to a girl belongs to the clan of the father of the child, who is not a member of the clan from which the girl came. This child does not belong to this clan and can not inherit land in this clan. It was therefore important that girls marry out in order to have legitimate children who can have a right to inherit where they are born. These are some of the Luo traditions regarding land and control of land ownership within the family and the clan. They have been documented for a hundred years by social anthropologists studying African societies such as Gluckman (1969 op. cit.).

These traditions and cultures have assumed the status of law of the land for Siaya people. People obey the rules. Nobody wants to die from *chira* or to be in a situation of *sinohonoho*. For example, the Luo people may never see the difference between AIDS and *chira* because *chira* existed among them from time immemorial while the first case of AIDS was reported in Kenya in 1983 (Chirimuuta 1987 p103). What did I learn from this field research? Basically, it seems that colonialism failed to change Luo culture in relation to land. All it did was to change the land structures by introducing land consolidation. To function as a viable economic system, this change needed the main factors of production: land, labour and capital. I now want to report my findings on how Siaya people became a spent labour force. This is the story of how Siaya District produced much of the labour used in developing much of the rest of Kenya.



## 4.2 THE ROLE OF SIAYA DISTRICT IN THE SERVICE OF COLONIALISM IN KENYA

This analysis will start with the *rise* of the Luo community in Kenya. The central concern is to explicitly analyse the information with regard to Siaya District. But remember that the current Siaya District only came into being in 1967. Before then Siaya was part of Central Nyanza, which includes the present Kisumu District. After analysis of the rise, I will report on the fall of the Luo in Kenya.

### 4.2.1 The Rise of Siaya Luo in Colonial Kenya

Land consolidation was imposed in Kenya by the English settler colonial government. What was the East African Protectorate also covered the present Luoland which was transferred from Uganda between 1894 and 1902 (Ogot 1963 op.cit.). Had this transfer not taken place, the present Luo-land would have become part of Uganda or an independent country. Even more important, how did the Luos *initially* receive the Europeans? Ogot (ibid.) for example says that the Luo offered no armed resistance to the new-comers. This was due to the injunction that had been issued by their diviners (*jobilo*), against such resistance. The coming of the 'red strangers', who were supposed to emerge from the sea, had been foretold by them, and the people were advised against showing any hostility to the intruders lest they incur the wrath of the ancestors. Hence, the Luo people welcomed the Europeans cordially, and even co-operated with the administration in all possible ways. For instance, a prominent Luo leader, Odera Ulalo, from Siaya District, gave unflinching support to Hobley in his

punitive expeditions to subjugate the warlike Nandi, Kitosh, Tiriki, Uyoma, etc. between 1895-1900 (ibid. p250). Could that support be the beginning of the fall of the Luo community? Of course, the Luos did not realise what the European wanted from them, i.e., their labour. No European was allowed to help the African. For example,

John Ainsworth [Provincial Commissioner Nyanza 1907-1910] was strongly condemned by many of his European colleagues as being pro-African. At a time when African agriculture was sadly neglected owing to Government policy of developing the settled areas only, Ainsworth introduced major agricultural and economic schemes in Nyanza ... His achievement was bitterly criticised by the Europeans on the ground that it discouraged the flow of labour to settled areas. (ibid. p 255)

Nevertheless, the Luo people did their best in the service of His Majesty's government. I was told that two of the three statues that stand on Kenyatta Avenue, in the middle of Nairobi are of ex-Luo soldiers in the First World war: Owuor Misere and Myoyo Osolo, both from Siaya District. The third one, not dressed in uniform, was said to have been a porter, who was probably not a Luo. I gathered that Owuor (as a Major) and Myoyo (as a Lieutenant) were the first Kenyan Africans to be commissioned. The performance of the Luo as good soldiers was again repeated during their service in the Second World War (WW2). I interviewed a veteran of the WW2 (No. 6094), who had the following to say:

*I was born in 1919. I joined as driver in 1940, promoted to Full Corporal in 1946. I then joined Kenya Infantry Depot in Nanyuki in 1947. In 1948 I came to Nakuru*

*depot. In 1949 I went to Mauritius as infantry man. I came back in 1950 and was posted to Langata. In 1953, I went to Lanet as Sergeant, where I 'taugh't Mulinge. I retired in December 1954.*

The competence of the Luo from Siaya and their service to the colonial administration can never be exaggerated. Without mentioning names<sup>1</sup>, many Kenyan Africa pioneers in colonial service were Luo from Siaya. For example, the first two Commissioned Officers in Police Service were from Siaya. In public administration, the first and second black District Commissioners, and the first Provincial Commissioner were from Siaya. The first black Minister in the Colonial Government and the first African Permanent Secretary were from Siaya. The first qualified Barrister at Law in Britain who was also first Law Practitioner was from Siaya. The first African to be a commercial in-flight Engineer in Kenya was from Siaya. When it comes to women-in-development, the first woman to become a Mayor, who was also the first woman to elected as MP in Kenya was from Siaya. In the field of academics the role of the Luo from Siaya as pioneer academicians in Kenya and then in Kenya is clear.

According to Crowder (1987 p11), 'the colonial state was conceived in violence rather than by negotiation. This violence was often quite out of proportion to the task at hand, with burning of villages, destruction of crops, killing of women and children, and the execution of their leaders'. The colonialists never recognised the tradition of native peoples. For example, the life of the Luo of Kenya was described as fragmented

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<sup>1</sup>Most of these people are still alive today (1997/8)

(Lonsdale 1970). First, this disregards the fact that the Luo gave perfect service to the British during colonialism. Second, it ignores the fact that the Luo people made initial contribution to human welfare in Kenya by being at the forefront of the Kavirondo Taxpayers Welfare Association. A major question here is: how was Luo life fragmented? When Archdeacon Owen tried to help encourage development initiatives among the Kavirondo, didn't many white settlers hate him for this, some of them even naming him '**Archdemon of Kavirondo**' (ibid. p608) (my emphasis).

Furthermore, despite the fact that the Luos were first among Kenyan ethnic groups that fought and died for the British in their First and Second World Wars, the remainder of them were just returned and dumped in Kavirondo to lick their wounds. Why did the British government not even care about the welfare of widows of those Kenyan soldiers who died in the two World Wars, many of whom are still trapped in poverty?

#### **4.2.2 The Fall of Siaya Luo in Kenya.**

The fall of Siaya Luo started *after* independence. This fall had its origin in colonial land policy. I will explain the origin of this policy in Chapter Six. What became nationalist politics was started mainly by the Kikuyu and the Luo *independent of each other*. But '[t]he Kikuyus had greater grievances against the colonial government and white settlers; although the Kikuyu had not lost as much land as the Maasai, there were far more landless among the Kikuyu than among any other community' (Mazrui



and Tidy 1984 op cit. p104). The Luos, on the other hand, were generally against oppressive colonial laws, such as excessive poll tax, *kipande* system (identity cards) etc. There was a lasting difference between the Luo and the Kikuyu approach to politics. The Luos were egalitarian and receptive in approach and discussed their affairs in the open. Even in pre-colonial days, there is no evidence that secret societies ever existed among the Luo (Ogot 1963 op cit.). The Luo believe in their homily: *bura onge omera*, which means “there is no favouritism in justice”. In the Luo sense of justice, both women and men were equal. Mazrui and Tidy (1984 op cit. p105) underlined this by mentioning that ‘the murders Mbotela and Ofafa completed Kenya African Union’s (KAU) demise by flaming inter-ethnic hostility, although Ofafa, [a Luo from Siaya], on his death bed called for co-operation between Kikuyu and Luo’.

With regard to the Kikuyu, Iliffe (1992 op. cit. p148) stated that ‘the society of precolonial Kikuyuland was markedly inegalitarian’. Was it the egalitarian nature of the Luos, their sense of social justice, their loyalty to authority and their sense of duty and hard work that resulted in their ‘fall’? What is important here, however, is that people like Odinga and Ofafa were from Siaya. Furthermore, I was also informed that when KAU was formed, the first Treasurer, and Executive Officer were Luos from Siaya. In fact Luo politics started in Siaya District as initial political rallies were held at a place called Lundha in Gem, Siaya.

What emerged from my field research was that the fall in the status of the Luo community was initiated by the British colonial government and has since been

continued by Kenya African National Union (KANU). There are two ways of understanding this conclusion. Firstly, the land of the Luo people was not alienated by the Europeans, except for a small portion in the present sugar belt. The point is that land adjudication made the Luo people alienate themselves from their ancestral land. That is the reason for incessant land disputes in Siaya. Secondly, I was told in Siaya that it was Odinga's sense of justice and 'honest politics' that made him refuse to take over leadership of KANU before Kenyatta was released. This view was also expressed to me in one of the intensive interviews I held in England in January, 1998.

What is important, however, is that the fall of the Luo started when Odinga was pushed out of Kenyatta's government in 1966, only because his principles of social justice cause him to be branded as a communist. This was during the cold war when Kenya was very successfully alienated from the basics of African socialism. Only Tom Mboya, a Luo from South Nyanza tried to explain his version of African Socialism to Kenyans. It was Mboya's version of African socialism that has since remained as Kenya government's statement on African Socialism. For example, 'the Sessional Paper No. 10 of 1965 on *African Socialism and its Application to Planning in Kenya* set out as one of the major developmental objectives the need to achieve high and growing per capita incomes equitably distributed among the citizens' (Kenya National Development Plan 1997 p1).

The Luo people have ever been law abiding citizens both in colonial Kenya and in post-colonial Kenya. If the foregoing analysis clearly demonstrates what the Luo of

Siaya got as a reward for their dedicated service to colonial and post-colonial Kenya, then there is currently a clear unmet need in Siaya. This unmet need has its origin from poverty and landlessness which resulted from colonial land reform that was deliberately continued by the Kenyatta Government despite the recommendations of the Lawrence Commission. It is this nature of the problem that I now want to examine.

### **4.3. LAND REFORM AND LANDLESSNESS IN SIAYA DISTRICT**

If land reform is the example of development that the colonial government gave to the people of Siaya, then it is important to understand *how* the latter benefited from it. Before I report on the state of landlessness in Siaya, I must state firstly, that landlessness by itself is gender blind. Landlessness is the social result from land reform as a structural effect on the society. Secondly, land consolidation was imposed by colonial state law and *not* by the Luo customary law. Thirdly, land reform resulted from a policy of colonial market fundamentalism in Kenya. It had nothing to do with the needs and benefit of the Luo of Siaya. The development of an institutionalised market system in Kenya has paradoxically encouraged an inequality of opportunity rather than reduced it. It is this inequality as landlessness that is gendered.

Remember that the field research was done in a society that was very bitter about land. This was one particular way in which my field work became sensitive. Some

people did not want to talk about land at all. Others were not able to talk freely. Women and men had different and sometimes similar reasons for not being willing to talk freely about land. This depended on the individual. The seriousness of this issue emerged during focus group interviews and the key informant discussions.

The word *lowo* (land) almost immediately raised emotions from both women and men. Some did not want to remember the losses and sufferings they have had to go through in relation to land disputes. Others did not want to talk about land because they had been or were involved in buying land without the knowledge of their spouses. Land was a top secret. During my three months stay in Siaya, I never interviewed a single person who had never been involved, either in some kind of land dispute since land reform, or in buying land within or outside the district. Most of them were involved in multiple disputes, some of which had not been resolved.

Unfortunately, I also happened to be in the field at the time of the bloody tribal confrontation in the Coast Region of Kenya. Many people, mainly from up-country, were brutally murdered and families were wiped out. This started in August 1997. Many individuals and families fled the Coast and had to return to their up-county areas of origin. One of the reasons for the blood-bath was that the indigenous people from the Coast were chasing away the up-country people from their land. This event charged the atmosphere a lot more for my research. In view of the forthcoming elections and the pressure for democratisation, the political climate in Kenya was also



very unsettled at that time. That was not an ideal time for researching on the land question in Kenya but it could not be avoided.

#### **4.3.1 Land Reform in Siaya District**

The first sub-location where land reform was finalised (i.e., land registration finished) was in 1966 and was Ndere sub-location in Yala Division of what became Siaya District in 1967. This was land consolidation. In 1968, when the Land Adjudication Act was passed in Kenya, three more sub-locations of Yala Division were already registered. They were: Got Regea, 1967; Sirembe, 1967; Marenyo, 1967.

The time factor has an important relationship to current landlessness in the District. Landlessness<sup>2</sup> is currently a big problem in Siaya. It now depends on many factors. The first one is when land consolidation or adjudication is finalised in a particular sub-location. That part of Siaya district that has had a long experience of very serious and often fatal conflicts because of physical landlessness is Yala Division<sup>3</sup>. This is also the place where the land market and conflicts have been most active. As those who owned land during reform sold away their pieces of land, their children and grandchildren became more and more landless. I learnt that in Yala Division, you could find a whole sub-location where the current land-owners are immigrants while the indigenous people are landless.

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<sup>2</sup>By physical landlessness I mean having no piece or parcel of land however small. This is land that you can say is yours whether you have acquired or not yet acquired a title deed for it. We shall see other types of landlessness in the next chapter.

<sup>3</sup>I happened to interview one person from Yala Division who lost her father in law because of land conflict.

Secondly, using an individual questionnaire (see Appendix 2) I interviewed 48 respondents, 28 men and 20 women in a sample of sublocations scattered all over Siaya. Note that I could not sample at random from a list of names, but I did my best to ensure that there were interviews in different divisions and locations and with different members of households. The main reason was to find out exactly how Siaya people perceive land ownership. Out of those who said they owned land, 7 or 23% were women while 23 or 77% were men. Out of those who did not own land, 13 or 72% were women while 5 or 28% were men. One in three women, but more than four in five men owned land. As to how they got the land, 20 men or 80% said they inherited the land, compared to only 5 or 20% who were women. Two women and three men said that they bought the land, while the rest, 13 women and 5 men did not answer the question. I was also interested in finding out from those who had inherited the land, whom they inherited the land from. Two women said they inherited from their father-in-law, while three women said they inherited from their late husbands. All 20 men inherited the land from their [dead?] fathers. This was clear landlessness on the part of the women. Even if a few women claimed that they had land, it was clear that more men had land.

Another method I used to find out the degree of landlessness among women was to find out how much of the public land in the District was owned by women. There were plots in Siaya Township, those in Divisional Urban Centres such as Yala, Ukwala, Ugunja, Bondo, etc. and those in rural market centres in the District. The

Clerk to Siaya Municipality did not give me the exact number of women who own land in the Municipality. Again out of the people that were individually interviewed, only three women and nine men agreed that they own land in an urban area, while 16 women and 15 men said they did not own land in an urban area. Note that with respect to urban areas, land means plot. Thus, owning a plot and owning land mean the same thing.

I also investigated a possibility of women and men acquiring plots in rural market centres. Since this did not have anything to do with land consolidation, it could have a compensating effect as there would be no inheritance involved. To get a rough idea, I requested the Clerk to Siaya County Council for the number of women and men who own plots in all rural markets in the District. He agreed to give me the information for two divisions randomly selected, since the information was to be copied from files by hand. One Division was Ukwala where 31 or 5.4% of those who owned plots were women while 539 or 94.6% were men. The other was Ugunja Division where 7 women and 89 men owned plots in various market centres.

In sum, the lesson I learnt was that more women than men were landless and that there still existed formidable obstacles for women to own land in the District. Added to this was the fact that the average monthly income of all women that were individually interviewed was KShs. 2551 while that of men was KShs. 3904. Furthermore, the percentages of women who 'own' plots in rural market centres must also be interpreted with caution. I was told that some men, especially politicians,

businessmen and civil servants tend to acquire many plots and register them in names of their many wives, sisters, and other female relatives.

#### **4.3.2 Siaya People's Perception of Landlessness**

The method I considered most ideal for gauging the respondents' understanding of landlessness, or its effects was to find out what they could remember in relation to land in the twelve months previous to interview. Compare the four answers I had from female and the male respondents, respectively. From the female respondents, there were the following answers:

- 1. Rich people are buying agricultural land from poor families at a very high rate, and as a result, non-indigenous people are now owning huge parcels of land in the village causing landlessness.*
- 2. Family members had a serious land dispute about ownership and the village elders had to come in and distribute the land afresh.*
- 3. Land owned by my late husband was subdivided to my two sons.*
- 4. Most of the land has been sold, especially to foreigners. Other people have also left their land and have moved to towns.*

From the male respondents I got the following answers:

- 1. I donated a bit of my land to a school compound.*
- 2. I sold one acre of my land in February 1997.*



3. *I divided my six acres of land to my three sons.*

4. *I bought one acre of land this year.*

The main difference between women and men's responses was that women still think of land as "ours", while men think of land as "mine". Women still believe that land is communally owned, while men talk as if they individually own the land. Does it mean that men are more 'modernised'? What it means, I think, is that women are more concerned with access than with ownership. Furthermore, because of patrilineal communal ownership under customary law, women do not realise their state of landlessness. They only believe in the custom which continues to favour men. On the other hand, men believe they own land as heads of families. They hold the title to land for their families. These concepts of land ownership did not indicate any beneficial effects of land reform in Siaya. This raises the question of how Siaya people thought that they benefited from land reform.

#### **4.3.3 Benefits of Land Reform in Siaya**

Another question that proved informative was whether the respondents thought that land reform was good or bad; and why? Women and men had very different reasons why they thought that land reform was good. Most women thought that land reform had brought peace between and within families and also reduced the average distance to the farms especially in cases where members of the same clan mutually agreed to exchange plots during adjudication. People then remained with those plots that were

nearer to their homesteads. For men, land reform brought individual and family independence.

Here are some of the examples of answers that I got from women:

*-It has brought peace among brothers.*

*-You can stay peacefully in your home.*

*-It has brought peace among the members of the community.*

Secondly, men's answers were as follows:

*-After death, your family will not be robbed.*

*-Standard of living has improved because of being independent.*

*-You can plan how to develop your farm.*

*-You can sell it or lease it.*

Also mentioned was that land consolidation has brought landlessness and the problem of squatters in the rural areas. This was a sign that women were more aware of landlessness among themselves, although they were 'enjoying' the 'independence', some peace and the relatively shorter distance to farms. But landlessness was not necessarily good.

Note that both women and men agreed on one thing, that land reform created problems in the whole society. Some problems that were mentioned are:

*-Some people are still grabbing others' land.*

*-It has brought landlessness and squatters.*

*-It has created divisions in the African family.*

Note the difference in gendered societal consciousness with respect to land consolidation. The women can live with it because it somehow ameliorates their practical concerns. The men are not generally comfortable. They are worried about the future of the family, poverty (landlessness, squatters), and peace in the community. I found that the fundamental issue underlying all concerns about landlessness in Siaya was *conflict*. The main thing that people wanted was peace.

#### **4.4 CONFLICTS OVER LANDLESSNESS IN SIAYA DISTRICT**

The respondents' comments that land reform caused landlessness, squatters, divisions in the family, etc., need further elaboration. Firstly I will analyse the paradoxical situation in which both societal (customary) and system imposed alternatives for conflict resolution are operating simultaneously. For illustration, I will present a case which I witnessed as a participant observer. Secondly, I repeat that land reform continues to cause inequality and poverty within the society. In order to illustrate this

I will again present some views expressed to me by Siaya people with regard to conflicts and landlessness. Then I will compare and contrast specific views held by individual women and men in relation to landlessness and land conflicts in the society.

#### **4.4.1 Old or New Methods of Land Conflict Resolution in Siaya?**

A significant move in the direction of inequality in Siaya was the enactment of the Land Adjudication Act in 1968. According to this official legislation, I was told, only interests in land were adjudicated, registered and issued with Title Deeds, while land itself was left untouched. The change from consolidating land to adjudicating interests was meant that it became a matter of survival for the fittest. To the extent that women were likely to be inferior, they were also likely to be the losers.

During adjudication, I was also told that the Government imposed some ground rules in relation to women acquiring land. This was in addition to the Luo customary rules that generally favour men. I learnt, with dismay, that only young widows or older widows with male children could be given land. Other women could not. A woman who was widowed, past reproductive age, and had no male child(ren) was only allowed to use land. 'Her' land was registered under the names of her brothers-in-law, for example'. The ostensible reason was to try and make adjudication appear relevant to the people. The truth was that it furthered the relative deprivation of women in relation to acquiring land at the time of adjudication. How is the approach administered?



An interesting development about the land question in Siaya District was that Siaya became one of the few<sup>4</sup> Districts where the Government had decided to institute some kind of 'elders court' to deal with the numerous and increasing number of land disputes. Officially known as the Land Disputes Tribunal, it is made up of three elders appointed by the District Commissioner. The ones that were sitting at the time of the field work were three men, two of whom were retired Locational Chiefs. The third who was the Chairman, was also a retired civil servant from the Ministry of Education. The elders were supposed to be paid a sitting allowance of 300 shillings, depending on the availability of funds in the District Treasury.

This is a classic example in which public administration in Kenya disregards customary law and continues to undervalue and underdevelop Kenyans, especially in rural areas. These people are supposed to be local elders who know the traditions and customs regarding the resolution of land conflicts. But first, they were former chiefs. Everybody knows how Chiefs have been used as instruments of indirect rule since colonialism. I will discuss more on this in chapter Six. Secondly, these people are just authorised by the public administration to hold illegal Kangaroo Court sessions and make legally binding decisions! Thirdly, one of them even complained to me that the Siaya District Commissioner occasionally directs them on how to conclude particular cases. Furthermore, the District Magistrate also had a right to nullify their decisions.

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<sup>4</sup>I was told that Kisumu and Kisii Districts also had the Tribunals. The other tribunals were not working effectively because the nominated old men did not agree with the pay.

A lot of questions remained unanswered about these people. For example, why were they nominated and charged with this responsibility in the first place? What does the District Land Adjudication Officer do? What legal training do they have? Who decides on their pay and how? These people were obviously very busy. This is a clear case of the Provincial Administration controlling, and from some respondents, even looting a poor and helpless society. The reason why the 'Court' was busy in Siaya is that there was some *chai ya wazee* (elders' tea). Only the poor people who feel dispossessed but are too poor to take their cases to the District Magistrates Court or to Appeal Courts come to them. All that the poor can produce is, for example, 200 shillings (£2) for the old men's' tea. If you did not have the tea money, it could be very difficult for you to win the case.

I also had a chance to visit the 'court room' of the tribunal and found one case in progress. When it ended, another one started immediately. I attended the second one from the beginning to end. I will summarily report on the second one, but not the first one because I did not know how the first one started. A summary of the case was as follows:

*A man from Kathieno Sub-location, East Ugenya Location of Ukwala Division (claimant) wanted a piece of his late brother's land to be given to him. The defendants were his late brothers' two wives and two grown-up sons of the first wife.*

*The man argued that he had a right to his brother's piece of land because his piece was small and that his father had agreed to his taking a piece from his elder brother. The defendants argued that the claimant was on several occasions called and asked to come home from town when land consolidation was in process and he refused. That was when his elder brother and his father were still alive. After many attempts, the old man decided to give every son his piece of land. The claimant, as the last son, got the homestead parcel as per custom. When he came back, he peacefully stayed and developed his parcel until he heard that there was a land dispute tribunal in Siaya Town. As far as the defendants were concerned, the issue was closed by the old man before he died. The tribunal decided that the case could not be concluded then. The claimant was asked to go for more details of the parcel he wanted, such as the aerial photographs, etc. and present them before the tribunal at another time.*

This was an example of many land cases in which members of the same family were involved in disputes. After this hearing, I interviewed the three members of the tribunal for about half an hour. They informed me that a high proportion of the cases they were dealing with involved members of the same family. Significantly, women were being more and more involved in land cases. These were cases where the husband had died. They were also hearing cases where grown up children took their parents to court for some injustice that happened during land consolidation. The main problem with the tribunal was that it could not cope with the number of land cases arising from all parts of the district. Its presence was simply opening old wounds, aggravating poverty among women and increasing tension and violence in the district.

Some of these views were also expressed by the people themselves. Now I want to look at what came out of other methods that I used in the field.

#### **4.4.2 Local Views on Landlessness in Siaya District**

What did the people of Siaya say about land consolidation and landlessness in their district? I got these views from men and women that participated in focus group discussions, the individual questionnaires and the key informant interviews. I will also elucidate on major similarities and differences in the views that women and men hold concerning land disputes in Siaya. I particularly wanted to hear what people say about two issues:

- Land consolidation and landlessness

- Poverty and the status of women

These opinions are reported. I took as much care as possible to record the main points as presented by the respondents and discussants.

a) On land consolidation and landlessness, there are the eight main points:

- 1. Land cases should never be taken to court. Taking them to court is only a way for rich people grabbing poor people's land.*

- 2. Land consolidation is resulting in many deaths from land disputes in the district.*

- 3. Local elders are the ones who should arbitrate land cases because they are the ones who know how the land was passed from one generation to another. (Note that local elders are not necessarily chiefs).*



*4. The problem is that after the government got involved in land reform, cases of land disputes have then got to go to court. This is because when a Title Deed is involved, the case can only be settled in court.*

*5. Since land consolidation, even places for communally herding cattle or drawing water, grass, timber etc., are not there.*

*6. Most people with land are not even developing their land.*

*7. These days, a person can write a will regarding his land and property. But before a person writes a will, s/he must take a lot of factors into consideration. If Luo men will still build their homes as before, traditions regarding building the homes and the houses will have to be strictly observed. In cases like these, even wills and Title Deeds can be contested by the people.*

*8. People who migrate to towns also just come back after retirement or after failing to find employment or in coffins. Then land disputes start over again. The government brought land consolidation but did not bring something that can absorb the landless. Conditions will force people to stop the idea of land adjudication.*

These are some of the problems that people live with daily in Siaya District. Clearly they can only arise in such numbers in a system that does not have a viable land policy. A system that cannot guide the people about those problems are a result of imposed land reform. Something needs to be done about this growing problem.

Secondly, on land reform and the status of women in Siaya, I recorded the following points:

*1. Land comes first and a wife comes second. If a man has no land completely, he might even have no place to put up a house. There is no reason for him even to marry.*

*2. Again if girls were allowed to get involved in land disputes, then educated ones would also start owning land. When they become land owners, they would not be compelled to marry out of their parental homes. This can not be allowed because it would also result in sinohonoho.*

These comments showed me that differential status is a complex issue in Siaya. The problem is that it does not necessarily favour women at all. From my experience in Siaya, I argue that the main factor responsible for this differential status of women and men in Siaya is lack of education and the absence of a public policy to deal with gender inequality in the society. I will discuss the policy aspect further in Chapter Six. The next topic in this report is women's education in Siaya.

#### **4.5 EDUCATION AND WOMEN'S EMPOWERMENT IN SIAYA**

Education is the key to individual development, and especially to women's development in Africa. Education plainly has a bearing on the legal title to land as well as capacity to manage it properly. Present and future leaders in all walks of life can only come from educated people. Education was therefore a major issue in my

field study, especially as it would be a factor in determining women's perception of their status in relation to land in Siaya. I brought the question of education into two focus group discussions and in discussions with all female key informants. I also visited some education facilities in the District for first hand experience.

I start this section by presenting a report on the visit I made to Hawinga Girls High School and the interview I held with the Headmistress. Secondly, I will report on the prospects for women's participation in education in the District, both as students and as leaders. Thirdly, I will report on the discussants' views on poverty and education in the District.

#### **4.5.1 A Report on Hawinga Girls High School**

I visited Hawinga Girls Secondary School, Siaya District, referred to in Chapter Three, and held a long discussion with the Headmistress. I wanted to find out what impact, if any, the sad event<sup>5</sup> that happened to the school in 1994 could have had on the education of girls in the school, community or the District at large. This event, regrettably, had a very negative impact on the school and on girls' education in the District.

These are some points that the Headmistress told me. Firstly, apart from the Headmistress herself, no female teacher has since agreed to stay at the school. When a

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<sup>5</sup> The school was attacked at night by thugs who raped and brutalized the girls.

female teacher is posted to the school, she just reports and goes back never to return. The Headmistress is the only female teacher in the school. She was in a dilemma because she had stayed in the school since it started over ten years ago. But as a mother and a parent, she cannot abandon the school. Secondly, there has been no change in the Government's assistance to the School since the sad event in 1994. When the girls were attacked in 1994, the Government posted a few ill equipped administrative police to the local market place, about three kilometres away. The girls still are and feel lonely, unprotected and vulnerable while the Government still keeps making unfulfilled promises to the school.

Thirdly, out of fourteen members of the school management Board, only four are women. This makes it difficult for the Board to be realistic in terms of the girls education and needs. Further, I was told that the main problem with the education of girls in the school and in the locality is poverty, especially among women. Poor women heads of households cannot pay secondary school fees and provide for their daughters' financial needs.

For most families with girls in the school, girls always come second to boys when family resources are stretched to the limit. This often results in the girls failing to take up a chance to pursue secondary education or to a drop out of the process. This happens the more because in most families, the men (husbands) are the ones who decide on who should go to school. Invariably, the boys come first. Secondly, poverty is more extreme in all female headed households, especially those headed by



widowed women. That is where the family size is also likely to be bigger. Poverty was also typical of all other girls Secondary Schools in the District. Most of the girls who successfully go through secondary education in the Schools are the ones whose parents can afford school fees. Most of them come from districts bordering Siaya, such as Kisumu and South Nyanza.

#### **4.5.2 Prospects for Women's Education in Siaya District**

The prospects for the education of women in Siaya is very discouraging. I learnt this from the discussions I held with other women leaders in Siaya. These women leaders are aware and acutely concerned about the poor status of women in the district. The men that I interviewed, on the other hand, were mainly concerned with gender issues in general, and not with practical realities that affect the education of women. Some factors that are responsible for the discouraging prospects for the education of women in Siaya are the following: apathy, lack of social security, polygamy and the stigma of higher education. My main source of information on these factors were the women opinion leaders that I interviewed. I will discuss each in turn.

I was told that most women in the District, particularly primary school teachers are very discouraged. As a result, they are no longer interested even to improve their economic status. They are very apathetic. My initial assumption was that women were being discriminated against by men. What I was told, surprisingly, was that women themselves are the ones to blame in this case. For example, out of about thirty

primary schools under Siaya Municipality, only three have female head teachers. Women themselves, I was told, are reluctant to apply for promotion whenever a vacancy comes up. Furthermore, I was told that married women teachers in the District were said to prefer to keep a low profile in order to keep their marriages. Most men also tend to marry women of lower educational status, whom they could easily keep at a lower level.

Secondly, women in Siaya, and Luoland in general increasingly have to cope with what was called "co-wife syndrome". The situation is more frustrating when an elderly woman has to cope with a younger co-wife, married by the husband especially after retirement. This situation becomes more complicated when the elderly women, such as grandmothers and mothers-in-law, etc. still support polygamy. They often encourage their sons to marry another woman for whatever reason. In some cases, even children will not allow their mother to disagree or take legal action against this. I saw a big need to educate these elderly people about the future of younger people in order to resolve this inter-generational paradox.

Another dilemma women face in Siaya is that they have to choose between being accepted in the society or being social rebels. Of particular importance here are problems that arise between the co-wives when their husband dies. A particular recommendation that was made to me was that marital property should be registered in the full names of the man and his wife, not just as Mr. and Mrs., because competing claims can be made to the designation. On numerous occasions, when a

man who is somehow successful dies, other women have been known to come up at to the dead man's home with some kind of evidence, such as children, marriage certificates, etc., claiming to have been wives of the man. In the absence of social security, increasing divorce and separations, extramarital births, this situation can no longer be ignored. The main problem is that these 'unmarried wives' who come up when their 'husband' is dead are usually more educated and more urban than the first wives that was customarily married.

Even more puzzling was the finding that higher academic achievement is stigmatising for women. I was told that graduate women working in the District as teachers or civil servants, for example, can't find suitable men within the District to marry. In despair, most of them then tend to migrate to urban areas or other Districts in search of future partners. This is why and where they often marry men who are already married - and perpetuate the co-wife syndrome. The fact that educated women tend to stay away from Siaya results in a serious brain drain from the district.

In brief, women living in Siaya are in a big dilemma. Firstly, women need as high an education as possible to survive in the present world that belongs to *men* and *money*. But educated women, who can bring positive change in an African rural society such as Siaya are not yet able to fit in the same societies. Secondly, these are also the people who can buy land to practice modern agriculture (not necessarily agribusiness) or build better houses in rural areas. As women go through this life cycle, the differentials in status between women themselves also becoming a problem. Women

in Siaya are divided into antagonistic groupings such as educated *versus* uneducated, employed *versus* unemployed, married *versus* unmarried, etc. This is one of the interesting dimensions of the differentials in the status of women and men in Siaya. I want to give them a brief theoretical explanation.

#### **4.6 CAN THE SITUATION IN SIAYA BE EXPLAINED BY THEORY?**

I agree with Browne (*The Guardian* 15 August 1998), that 'policies are easy to state but their ultimate expression lies in the way we behave'. I also agree that the problems Siaya is going through at the moment resulted from the fact that Kenya African Democratic Union (KADU) and KANU politicians compromised the future of Kenya by agreeing to consensual decolonisation, leaving the land question untouched. Had land consolidation been gendered or stopped before independence, the people of Siaya would not have gone through this kind of underdevelopment. I will give five examples from theory and secondary sources to explain what I mean.

*Firstly*, the fact that women in Siaya are now divided into antagonistic groupings is reminiscent of the history of class struggles:

Freeman and slave, patrician and plebeian, lord and serf, guild-master and journeyman, in a word, the oppressor and the oppressed, stood in constant opposition to one another, carried on uninterrupted, now hidden, now open, a fight that each time ended, either in a revolutionary reconstitution of society at large, or in the common ruin of the contending classes (Marx and Engels 1934 p10).



My view is that continuing with this struggle for status will completely ruin women in Siaya. There is urgent need for action in order for this situation to be arrested.

*Secondly*, this situation is more serious in view of the fact that KANU as the ruling political party has not had a clear policy statement on land, apart from Kenyatta's statement, since independence. A search for a statement on land through the 1997 election manifestos of the three political parties (that took the first, second and third positions, Kenya African National Union (KANU), Democratic Party (DP), and National Development Party (NDP)) will show what I mean. Of the three, only NDP had a specific statement about land.

LAND has historically been a contentious issue in Kenya, both before and after independence. The independence struggle revolved around land issues and land questions remain unresolved to date.

The NDP believes that land, as a natural resource belongs to all Kenyans and must be used with the necessary prudence, equity and productivity. (NDP Manifesto 1997 p21).

The DP Manifesto (1997) is full of the message that Kenya is a 'land of plenty', and promises '[t]o settle the landless....no more squatters'(p30), and nothing more. Further, the KANU Manifesto says **nothing** about land policy.

*Thirdly*, the urgent need for a helping hand in Siaya. In view of the foregoing issues that the fieldwork discovered in Siaya, I repeat that Siaya deserves immediate helping hand, especially by Britain. I cannot agree with Stone's (1997 p150) rationalist

argument that 'helping hand equals incentive to the needy'. This argument, called 'law of unintended rewards' is that

[a]ny social transfer increases the net value of being in the condition that prompted the transfer. [This means that] helping people who have problems (such as poverty, illness, homelessness, or drug addiction), especially giving them money or services, actually rewards them for having the problem and creates an incentive for them to stay or become poor, sick, homeless, or addicted. Therefore it is important to mount any kind of social welfare programs which don't simply perpetuate or even increase the problems they support or ameliorate (ibid. p150).

Obviously that law could only apply in a society or country where land, food, water, housing, health care, etc., are guaranteed by the government. It can apply in the UK or US where the unemployed will not die of hunger because the government is strong and responsible and at least assures them of a breadline. Furthermore, Stone's argument is deeply problematic. How do you withhold care from the aged on the grounds that you will be rewarding them for being old? Isn't it common sense to reward them so that they can be alive as long as possible? How do you withhold support to poor mothers with babies on the ground that they will be encouraged to have more babies? Doesn't the survival of those already born determine the need for more babies? In other words, the future of a country relies on the quality of mothering process? Who should ensure that quality, the mother or the government? If the KANU government of Kenya has only succeeded in further marginalising Siaya, the government of New Britain, with its newly elected labour majority should step in. Britain and KANU were part and parcel of the cause of this problem.

*Fourthly*, responsibility of KANU government with respect to people of Siaya. Briefly, Kenyans desperately need a responsible government. Kenyans need a government that is aware that public responsibility is a question of *squaring the welfare circle*, which means managing the macro-economy, limiting the taxes, providing welfare needs, such as land, education, housing, etc. and then getting the votes (George and Miller 1984). Being Luos, Siaya people are egalitarian and believe in democracy and responsible governance. As the poor, they know that the 'deep roots' of poverty are not different from the deep roots of the larger economy. They also know that powerful national and international interests are ranged against them (New Internationalist, Nov. 1997). The present KANU approach of a wooden and unusable 'district' focus for rural development will only continue to further impoverish and underdevelop the poor in the rural districts, creating more and more dependency. That is why they need *assistance* from the international community, not as an incentive to have more babies, but as an empowerment to stand on their own feet. I will discuss more of this in chapter 6.

*Fifthly*, consensual decolonisation and KANU's 'do-nothing' approach to land policy has plunged Kenya into another paradox of *boundary* tensions. Here I agree with Stone (op cit.) that the main duty of a responsible government is the management of boundaries of all descriptions; social, physical, cultural, economic, etc. For example, being born female or male should not be a problem because it is natural, but in Kenya, the boundary between being male and female is a big problem. There is too much male violence against women in Kenya, due to killings, beatings and rapes, as well as

gang attacks to girls' boarding schools. Examples are Hawinga, Shinyolo, St. Kizito, etc. The government of Kenya must manage the sex boundary in its own country. Could this male violence against women in Kenya be related to land consolidation?

We saw the effect of land consolidation on the value of women in Figure 1-1 Chapter

1. But this differential status between men and women resulting from land consolidation could lead to gender inequality before death. Then the boundary between life and death or the risk of death, would itself be gendered against women.

Why should land consolidation lead to women being more exposed to valuelessness and more risk to death compared to men? Women have the right to demand for a satisfactory answer, otherwise they should stand up and fight and die now, instead of waiting for a more painful death later.

In other words, the government of Kenya should realise that boundaries, whether they are ideological, physical, political, economic or social, create differences and problems. The central issue in responsible governance is the realistic and peaceful management of boundaries. Kenyans also need to reconsider and fully discuss those administrative boundaries that were initially drawn by the colonial government in order to exclude some people and include others in the development process. The fact that KANU government has continued to balkanise the country by creating unnecessary administrative boundaries in terms of districts, divisions, locations and sublocations is simply neo-colonial and underdeveloping. Land adjudication is a



further process of creating an unnecessary network of unmanageable boundaries in rural areas, leaving large farms for agribusiness intact.

## 4.7 CONCLUSION

What I learned from the intensive interviews with the key informants underlined the fact that *history* is also important for understanding gender differentials in a social context. The field research helped to get a cross-sectional picture of this historical process of women's impoverishment in Siaya.

The field work also proved the relevance of qualitative methodology in research that examines events that happened in the past. During intensive interviews and focus group discussions, there were opportunities to discuss the *why* of 'yes' and 'no' answers that came out. This was possible because I created a consultative context with my discussants. This was also the only way to see *why* they hold particular views on various issues of the inquiry.

An objective interpretation of the data from Siaya confirms that the decline of the Luo status in Kenya was political. First, the whole process of land consolidation or adjudication was undemocratic, unrepresentative and unfair. Second, the tribunal method of resolving land conflicts is most irresponsible and should also be stopped forthwith. Third, there was a clear lack of policy action to empower women and

counterbalance the former 'customary patrilineal' structure in order to release women from severe violence, discrimination and exclusion from owning land. Fourth, land consolidation imposed a very big problem of boundary on the people of Siaya. The Luo people had their traditional way of managing the boundary issue, but this was until the British came into their lives. Fifth, the social life in Siaya is very discouraging for women's education and individual advancement. Behind this situation is land consolidation which has escalated the sense of dispossession and helplessness among women.

In view of the findings in this chapter, it is imperative that I discuss the implications in more detail and also present the remaining field reports in the next Chapter.

## Chapter 5

# POVERTY IN THE PERIPHERY: LAND CONSOLIDATION, GENDER AND LANDLESSNESS IN SIAYA DISTRICT

### 5.0 INTRODUCTION

The lessons of chapter 4 are:

- i) The *question* of public consciousness, social capital and the reality of landlessness in Siaya.
- ii) The *problem* of land ownership and inheritance in Siaya.
- iii) The *complexity* of the agrarian question in Kenya.
- iv) The *political economy* of under-development in Siaya District.

These are the issues that are subject to analysis in this chapter. I will focus on their effect on Siaya people over time. This chapter examines the extent to which this state-sponsored landlessness is felt at the *family* and at the *individual* level in Kenya and in Siaya District.

## 5.1 SOCIAL CAPITAL AND LANDLESSNESS IN SIAYA

The main argument in this chapter is *feminized poverty in the periphery* as a result of the main findings discussed in chapter 4. The central concern is to find out **how** this process of feminizing landlessness and deprivation in Siaya was caused, **who** took part in this process and **why**. I found that the main cause of this deprivation is *land ownership* as it underlay the distribution of life constraints and opportunities between women and men in a paradoxical manner. Herein lies a justification for the fact that Africans have to act now in order to avoid sure extinction in the near future. Unfortunately, a social problem like the one in Siaya cannot be solved by just producing more questions. I take note of the argument that

[w]hat historians produce is always a question. Neither scientific proofs nor entire fictions, their texts are torn in three directions by time - future, present and past; and between three moral dimensions - by the demands of **power** and the limits of **perception** that simplify history and the intellectual **honesty** that recognises difference and diversity. Instructive pasts and intended futures are cyclically linked by the ambitions stirred in present conflict (Lonsdale 1992 p282) my emphases.

But a big problem is that deliberation is always situated in time and place. In short, '[t]here is no escape from time, no means by which reason may transcend history and still prove to be any sort of guide to thought and action'(Arneson 1999 p107). I want to demonstrate this problem by explaining its nature, the *methodology* I used to understand it and the related question that this thesis wants to answer. It is important to keep in mind that the answer to the main question in this thesis is not just land policy or gender, but development of social capital.



First, the nature of the problem and how it arose. Land ownership became a question in Kenya, South Africa and Zimbabwe because of British settler colonialism (Francis E and Gavin Williams 1993). Some people argue that before the British came to settle in Africa, there existed (human) society in Southern Africa which dates back 30,000 years. Furthermore, the Bantu-speaking African people moved across the sub-continent in a remarkably short space of time, colonising southern Africa less than 2,000 years ago (Beinart and Coates 1995 p4). Therefore, when the British decided to settle in Africa, beginning with South Africa, Africans were already there, at home, with their laws and traditions. Even before the British settled in *Kenya*, the Luo were already settled in what became Siaya District, having arrived between 1490 and 1517 (Geheb and Binns 1997 p76). Other attributes of settler colonialism such as the expropriation of land, tenantry and subordination of the masses to their masters and the definition of property rights were just circles around the central fact that African land belonged to Africans.

This point can be explained in a different way. It is fundamentally a question of social justice. If we adopt the Rawlsian argument quoted by Flew (1997 op. cit. p126)

that "the first principle of justice" is "one requiring equal distribution ... undeserved inequalities call for redress; and since inequalities of birth and natural endowment are underserved, these inequalities are to be somehow compensated for".

To borrow Harvey's (1973) phraseology, it is a question of *who* owns *what*, *where*, *why* and *how*? The *who* is the ordinary indigenous Kenyan man or woman. In the historical question, let us assume that it is the colonial settler. The *what* is land and the

*where* is the reserves, such as Siaya District. In the historical question, it was **Kenya** which later became the present Kenya. The *how* is the means by which this *what* was acquired. In the historical question, it is the grabbing of land from the people. The *why* in my case is the Swynnerton Plan. We shall see the *why* in the historical question later in this chapter.

The point is that a person who was colonised was not supposed to have human rights or be conscious of his/her social existence. S/he was supposed to say 'yes sir' to everything s/he was told by the **man**. Otherwise, there was always a carrot and a stick, both in the possession of the district 'sovereign', the District Commissioner. In this way, the British took away the Luo male labour force into the enclaves, and deliberately planted a process of gendered underdevelopment in Siaya. I will return to this argument in section 4 of this chapter.

How would Siaya people understand this particular problem? Establishing a connection between the current landlessness in Siaya district and colonial settlerdom before independence can only be done by historical evidence. This is because the nature of all the variables involved, from the partition of Africa to the determination of property rights, can not be stated, except contextually. But all contexts are unique, just as Kenya is unique and English settler colonialism was also unique. Such concepts which are non-parametric and continuous and have non-linear relationship to each other, are immune to data (ibid.). Class is such an analytical construct that is not directly observable. But status in a rural society is frequently a basis for power,

influence and respectability. It is usually accompanied by land ownership and financial means (Abdullah and Zeidenstein 1979 op.cit.). Differential status of women and men in Siaya is therefore a question of class differentials among families. It focuses on the degree of landlessness among adults, their marital status, their family solidarity and their commitment to the ideal of social equality. In other words, 'You are in a higher status because your father, brother or husband has land'. It is rare to find a situation where: 'You are in a higher status because your mother, sister or aunt has land'.

This patriarchal way of defining status in rural Kenya is also related to the preservation of class at national level in Kenya; a process which was described in Sessional Paper No. 10 of 1965 as the major developmental objective, i.e., *the need to achieve high and growing per capita incomes equitably distributed among Africans*. But for Siaya people, the development of a class society *was* and still *is* based on land ownership. How is this development related to social capital in Siaya? That is the central question.

My field research found that one thing Siaya people are conscious of is the fact that they are landless. I did not find concrete evidence that Siaya people are aware of the importance of social capital in managing their differential statuses. What is social capital and why are Siaya people not aware of it?

First, the need for developing social capital in Siaya. Let us say that the main physical capital in Siaya is *land*, and the main human capital is *people*, one of the reasons why Siaya is poor is because it does not have *financial* capital. Siaya does not have financial capital because of the inequitable distribution of (whatever) per capita incomes there is in Kenya. I had examined the rise and fall of the Luo people and how they have been systematically underdeveloped in chapter 4. Second, Widner (1998 p2) refers to social capital as 'features of social relations that can improve the efficiency of society by facilitating co-ordinated actions'.

Ordinarily, social capital operates by reducing the perceived level of risk or the costs associated with co-operation. For example, where levels of interpersonal trust is high, exchanges that take place over time, and therefore carry risk, are more likely to occur than they are where interpersonal trust is low. Compromise is also more likely where levels of interpersonal trust are higher (ibid. p 2).

Third, a society cannot develop without fully utilising all forms of social capital available to it because social capital is gender neutral. A major effect of poverty in Siaya is that all forms of social capital has been destroyed. The level of trust and information among people at family and community levels is very low. Patterns of association at the community level, such as women and self help groups are also erratic. Why are Siaya people not aware of this?

Only one reason will be sufficient here. This is Kenya's (statist) reliance on bourgeois science that systematically falsifies. Official statistics in Kenya are really 'exposed to political and social influences whether they are the by-product of routine



administration or the outcome of recurrent or occasional research (Townsend 1993 op cit.; Chege 1998 p218). Since the production of knowledge is a thought process, and people's social existence determines their consciousness (Marenin op cit.), it is not surprising that Kenya's official statistics systematically falsify in order to suppress the people's consciousness. On the other hand, the people's social existence eventually wakes up their consciousness. This is the political awakening which has already started in Siaya. It can also help to explain the voting pattern in Siaya district in the 1997 general elections.

The main factor behind poverty and political polarisation in Kenya is *land*. The types and numbers of families living in poverty in Kenya were classified by Townsend (1993 op cit.) as pastoralists, small farmers, rural landless, urban poor and the handicapped. It is a fact that the majority of Siaya people, especially the women are either small farmers or landless rural workers, while most men in the working age group are part of the urban poor. My assumption is that pastoralism and nomadism are traditional ways of life that are more difficult to change, and that disability is a reality of life. This means that disabled people or pastoralists can still own large pieces of land. But by definition, the urban poor, the rural landless and the small farmers cannot own much land.

But these are only categories of families. How about individuals who could as well be categorised as the unemployed, the handicapped, the aged, the youth, etc.? How does the Kenya government account for their right to own land? Is there any policy to

attend to the needs of families and individuals in Siaya or in Kenya? I will raise this question again in the next chapter.

The fact that Kenyans started killing because of land in 1991/2 is evidence that the colonialists were not stupid by postponing the land issue in the run up to independence. They knew that after independence, the burden of proof would be on the government of the day to take action on the land issue. This is a sad story for the future of Kenya, as it is for Zimbabwe and South Africa. Notice that the bourgeois science, particularly pathological politics and development economics now blame the government of the day in Kenya and avoid the real question, which is 'how to manage landlessness-as-poverty among the natives of Africa. A conference was recently held in London with the title: Land Reform in Zimbabwe: The Way Forward<sup>1</sup>. Under a title called *Mugabe's 'Land Grab' in Regional Perspective*, the world was told that

[a] deeply corrupt and widely unpopular regime today stands indicted within and without, even by those who genuinely wish Zimbabwe well and were once firm supporters of its government. When friends of Zimbabwe find themselves nodding in agreement with Ian Smith and the IMF, we have indeed entered strange waters (Palmer, 1998 p1).

This is a matter of opinion, but still subject to challenge. We should also remember the rights of those individuals, families, clans and whole ethnic groups who are currently landless and also how their ancestors lost the land. We should remember

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<sup>1</sup>Centre for African Studies, University of London, SOAS, and the Britain Zimbabwe Society with the support of Zimbabwe High Commission; SOAS, 11 March 1998

their social existence, their future, their poverty, their exclusion and also their *consciousness* of all these.

There is yet a third way of looking at this particular problem. Most research and studies on agrarian change in Kenya have not been based on empirical evidence. 'The majority of studies and polemical writings [are] focused on Central Kenya, or, if they had a wider scope, extrapolated Central Kenya experiences to other smallholder regions' (Francis and Hoddinot 1993 p115-116). Research done by Alila (et al) (1993), on *Rural Landlessness in Kenya: Problems, Dynamics and Policies* argued that Kiambu district in Central Province was chosen mainly because it is a leading district in terms of rural landlessness problems in Kenya' (page X) (my emphasis). Is there any reason why Kiambu could be a leading district in terms of rural landlessness except that land consolidation started there 1956? The problem is that there are still very serious constraints in getting to the root cause of landlessness-as-poverty and gender inequality in Kenya.

Aware of all these problems, my methodology has been guided by *realism* all the way. I now want to examine the issues that have got realistically historical and contextual dimensions because the arguments involved have been prompted by a realistic concern for the lack of social policy and equality in the life of Kenya since independence. There are also questions of institutions in the differential contexts of Kenyan and British life styles and social consciousness. Remember that the institutional values that formed the foundation of Kenya's future social and economic

development were laid by Britain during colonialism. The single most important institution in this regard is the family as the subject and object of power in pre- and post colonial Kenya.

Briefly, managing landlessness in Siaya, involves a sensitive balance of personal and institutional interests. Personal as concerns social existence of individual landless Kenyans; and institutional as concerns the affected families, clans, communities, political parties, relevant departments and sectors. I know that the Government of Kenya has no policy to address the needs of the landless Kenyan Africans<sup>2</sup> *per se*. That is why I must build my discussion of gender and landlessness on a forceful theoretical foundation in order to hammer out a solid background indicative of a clear policy proposal in Chapter Six. I also know the danger of living in the past with respect to issues of social injustice such as landlessness. But if Kenya cannot move on fast enough, the past can easily overcome the future and things could go the wrong way. Nobody in Kenya including the black and white settlers would benefit from this. What (Palmer 1998 op cit. p4) has called the 'Rift Valley phenomenon' of acute landlessness in Kenya and Rwanda has nothing to do with overpopulation in Kenya but to exclusion of the majority of Kenyans from land. It is already haunting Siaya district as well. I have to discuss it now.

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<sup>2</sup>Note that the ruling (political) party since independence in 1963 up to date, 1998, is called 'Kenya African National Union'! (emphasis added)



## **5.2 UNDERSTANDING LANDLESSNESS IN SIAYA: THE QUESTION OF LAND OWNERSHIP IN KENYA**

There are many reasons why Kenya is not one of Britain's most favoured countries. This is a problem for those who have realised the rapidity with which Kenya's significance in this peripheral context is diminishing - actually to the extent that Kenya is now almost at its last point of social, political and economic elasticity. It is now clear that the main reason for this diminishing significance is basically the same as in Zimbabwe and other settler colonies in Africa.

### **5.2.1 The Land Question in Rural Kenya**

Each moment of human history is, to a greater or lesser degree, an open ended situation; a situation which is not entirely determined by the structure of its own past, and from which more than one string of events can follow (Bauman 1976 op. cit. p10). The present human history of Kenya is also determined by a string of events. According to Berg-Schlosser and Rainer Siegler (1990 p31):

At the turn of the century, Governor Charles Eliot and Hugh, Lord Delamere, both large scale farmers, paved the way for the immigration of European settlers to Kenya, influencing both the form of colonial rule and future social structures. The White Highlands in the Rift Valley became an enclave of European land owners, while African peasants were confined to densely populated reservations. Harsh taxation compelled many Africans to work as hired labourers on the settler's farms, creating an infrastructure that guaranteed that the central area around Nairobi and the White highlands would have a head start in development. The settler's production was also subsidised by a system of monopolies, favourable railway tariffs, and protective customs duties at the expense of the African peasantry. Marketing boards and co-operatives controlled by European farmers were set up as parastatals. The flourishing settler economy during World War 11 and Nairobi's function as the centre of finance and commerce in the East African Region led to a first wave of industrialization in the capital city after 1940... Immigrants from the India subcontinent tended to dominate trade and crafts. (my emphases).

There are six issues relevant to this argument. These are: the form of colonial rule and future social structures in Kenya; an enclave of European land owners in relation to Africans confined to densely populated reservations; a guarantee that the central area around Nairobi and the White Highlands would have a head start in development; the settler production system that was supported by monopolies and protective customs duties at the expense of African peasantry; Nairobi's function as a centre of finance and commerce in the East African region and the first wave of industrialization; and the domination of trade and customs by migrants from the Indian sub-continent.

These issues arise from the concern about the effect of an enclave of white land grabbers on the African peasantry that was confined to densely populated reservations and the strategy to ensure that the central area around Nairobi and the White Highlands would have a head start in development. There is public concern about the initially *racial*, and later supposedly *corrupt* system of subsidised economic monopolies, which is the precursor of the current tendency to *tribal* monopoly of economic resources in Kenya. There is also a concern about the way European farmers controlled marketing boards and parastatals, and how this has led to continuity of dominance of foreign and multinational capital in the parastatal sector. The return of the colonial Kenya Farmers Association (KFA) and the rise and fall of Kenya Grain Growers Co-operative Union (KGGCU) underline this concern. It is important for Kenyans to understand to what extent their corruption and tribalism is

part of post Cold War game being played by the West (Szeftel 1998). Is it recolonisation by the back door?

What aggravates this concern is that all these events are first tied to the central question of land-ownership in Kenya. It is not possible to see any way for the native Kenyans to deal with this situation and peacefully get out of it. Had the British government agreed with the interpenetration policy, the story would now be more pleasing. Perhaps Kenya would now be an independent country where the natives, Asians, Arabs and Europeans equally share the six types of colonially imposed poverty described above. It is only the British Government, and not the World Bank, for that matter, that is able to undo the trap of landlessness-as-poverty in Kenya. It was designed by them.

By the end of the colonial period, a total of 7.5 million acres had been alienated and were in the hands of about 3,600 European farmers. About 6,350,000 acres of these were owned under a 999 year lease, 591,000 acres under 99 year lease, while 560,000 acres were freehold.... This meant that over 8.36 million Africans had only 11.65 million acres of good land for cultivation (an average of 1.45 acres per person) as compared to about 7.5 million acres for about 55,759 Europeans (an average of 134.5 acres per person) (Alila et al. (op. cit.) 1993 p3-4)

All this alienation was legal, by English land law. It is this concept of 'legal' alienation of land that can explain the current understanding on land alienation in Kenya.

In historical terms at least, the doctrine of *tenures* served the purpose of describing the relationship between tenant and *lord*. The relationship between tenant and *land* was left to be explained in terms of a rich taxonomy of *estates*. Because, on medieval theory, the underlying or radical title to all land vested in the crown, it seemed to follow that no individual tenant could ever properly claim ownership of land as such. Instead, ...English law created an abstract entity, in the form of a conceptual “estate” in land, and interposed this highly artificial construct between the tenant and the physical object of his tenure. Each tenant therefore owned not land but an *estate* in land, the nature of his precise estate being graded by reference to its temporal duration (Gray 1996 op cit. p247).

Kenyans need to understand that as long as they are still subjected to this system of law as well as African customary law, they are not yet legally independent. With regard to land law, Kenya’s dependency on Britain as yet appears permanent. One hopes that they (the people of Kenya and Britain) will do something about it. For the moment, I want to focus on the question as it connects Siaya district to this picture, both nationally and internationally.

### **5.2.2. Land Question in Siaya.**

The problem with the way the British Government dealt with the land question in rural Kenya is that it answered the question by ignoring it. It ignored the question of land ownership and decided to dwell on the peripheral question of African agricultural development, which was different from the land question as stated above. But the main question was: Who actually *owns* land in Siaya District?

Let me start with an historical brief. The main reason why the Lawrence Commission put the clan at the centre of land reform in Luoland was because it recognised that the Luo understanding of land ownership is deeply rooted in their history. The Kenyan



Luo refer to themselves as *Jo-Ramogi* (the people of Ramogi) because they are descendants of a common ancestor called Ramogi (Ogot 1987 op cit.). In the same way, the people of Alego Location in Siaya District are *Jo-Alego*, the people of Onyango sub-location in Alego Location are *Jo-Konyango*, the people of *Kodero* clan in Onyango sub-location are called *Jokodero*. Note that Ramogi, Alego, Onyango, Odera are names of administrative areas *as well as* names of forefathers of different interlocking Luo clans.

Before land reform, Onyango sub-location, as an estate, customarily belonged to Onyango people. When land consolidation started, the sublocation became officially known as an *adjudication area* and therefore subject to state law, i.e., English law. Onyango's people's land was parcelled, individualised by their men, through administrative orders from the government. Often the Land Adjudication Officer was someone from another ethnic group, who was not even interested in legitimate arbitration of the ensuing disputes and conflicts over land. This is how Swynnerton ignored the legal right of the Onyango people for the benefit of the White Highlands. Through various means; inheritance, bribery, power, etc., the strong (men) in the community deprived the weak (women) of their only means of survival. The strong were also the ones who were likely to be working in the European estates in towns or white highlands. They were the ones able to buy tea for the whole lot of hungry civil servants that were involved in the process, such as surveyors, recorders, adjudicators, etc. The more Siaya women lost in this struggle for land, the more poverty was

feminised in Siaya. Of course the colonial and the KANU government had no time to mind about women's right to own land in Kenya. That was the victim's business.

But how can the present KANU government of Kenya continue to be so mindless of her own people's welfare, creating victims out of innocent people? Is it impossible for it to realise that **customary tenure is custom specific** although it was undergoing natural evolution, and that the change imposed by the grafting on of foreign legal concepts was **not** part of the evolution. Is this Kenya African National Union really a party of Africans, for Africans by Africans?

When I was in Nairobi, I interviewed one of the most prominent land lawyers. The question I asked was: Who actually owns land in Kenya? Here is the answer I got:

*In 1915, the first Law relating to ownership of land was passed i.e., the Crown Lands Ordinance which divided land into three; urban land to be leased for 99 years from Her Majesty; Agricultural Land to be released for 999 years from Her Majesty; Native Lands which was held by the Local Councils on behalf of the Natives. This was just held in trust for the natives. In the urban Councils, land was zoned into Africans, Asians and Europeans without time limits. This was how land policy came up in Kenya.*

Apart from the fact that I could not see a difference between this structure and that in former *apartheid* South Africa, I learnt two lessons from this answer. First, that the real land problems in Siaya started in 1915 when what became Siaya officially became a native reserve. Second, all land in present Siaya has since been held in trust by the Siaya County Council. This is the fact on the ground now, but it also begs two questions: What is the meaning of trust? How does this relate to the current landlessness in Siaya?

[T]he essence of a 'trust' is the idea that the trustee is the nominal owner of property but the real or beneficial owner of that property is the 'beneficiary' or 'cestui que trust'. The central feature of a trust lies in the fact that the formal or 'titular' interest in property vests in a nominee (or 'trustee') whose duty is to deflect the beneficial enjoyment of the property to those who hold the 'equitable interests' under the trust (Gray 1994 p34-35).

We saw in chapter 4 that Luo customs vested trusteeship with the clan elders. All members of the clan would have interests in the land as stakeholders. Before reform, land belonged to all stakeholders. What makes it even more complicated is that Siaya County Council became a trustee of land. Firstly, who gave Siaya County Council the right to be a trustee of customary land in Siaya? That is the first question. Secondly, why was land consolidation or adjudication not done under the auspices of the County Council itself? What does the Ministry of Lands have to do with land consolidation in rural native areas? Who is the trustee of all land in rural Siaya? Is it SCC or the Ministry of Lands?

Thirdly, why did the Kenyan reform process have to change from consolidation started in 1956 to adjudication since 1968? In fact, these two processes were legally and structurally different. They had only three common characteristics. First, they furthered the confusion of land reform in Siaya District. Second, they aggravated the differentials between women and men in Siaya. Third, they both scored the same economic point, i.e., *those who have will be given more and the poor will get poorer*. This is another nightmare in the life of the people of Siaya. It deserves further examination.

### **5.2.3. Was it Land Consolidation or Adjudication?**

Before I answer this question, I must reiterate the importance of the change from land consolidation to land adjudication on the lives of people in Siaya. Consolidation was known in Luo language as *luoro lowo*, i.e., enclosing the land; while adjudication was known as *ngado lowo*, parcelling the land. Adjudication is very contentious because it raised more questions than answers. People are still fighting over land because of the increasing number of land questions in Siaya. I saw it when I went to Siaya for field work.

The two forms of land reform could not have the same effect on the people of Siaya. For example, a key informant told me that he was a chairman of the local land board when land consolidation started in his sub-location. He managed to parcel out a



consolidated rectangular piece of land. He said that he does not intend to subdivide the parcel among his sons. He wanted his descendants to live on the land because he did not believe in land being parcelled into smaller and smaller pieces. He said that he was the owner of the land, and that even after his death all his descendants irrespective of sex, had the right to live on the land. Was this man arguing like a native or a white settler?

I also got some statistics on the distribution of land in the district from the office of the District Surveyor. Table 5-1 below presents the statistics from North Gem location in Siaya.

**TABLE 5-1**

**DISTRIBUTION OF LAND IN NORTH GEM LOCATION, SIAYA DISTRICT**

SUB- LOCATION	DATE REGD	No. OF PARCELS	APPROX . AREA	APPROX . AREA /HEAD
Ndere	11-5-66	761	4063	5.3ha
Got Regea	18-9-67	867	2448	2.8ha
Sirembe	6-10-67	743	2808	3.8ha
Asayi	9-11-70	753	1292	1.7ha
Ludha	19-4-71	1209	1013	0.8ha
Siriwo	3-5-72	828	846	1.0ha
Maliera	7-7-75	1208	731	0.6ha
Malanga	26-5-77	1066	1339	1.3ha
Malunga	1-7-77	1460	1339	0.9ha

**SOURCE: OFFICE OF THE DISTRICT SURVEYOR, SIAYA**

Gem location started with consolidation before 1968 and changed to adjudication after 1968. It is clear that in Gem location, those sub-locations which went through consolidation such as Ndere, Got Regea and Sirembe have higher acreage per head than the average, which is 2.0 ha. The rest that went through adjudication, i.e., where

registration took place after 1968, have acreage per head that are smaller than the locational average. It is clear that in the case in which land was consolidated throughout the district we would now be studying the effect of one aspect of land reform on the differential status of women and men in Siaya. But now we find ourselves in a double system of reform being applied to Siaya. Of course consolidation and adjudication could not have the same impact or the same effect on the differential status of women and men.

The Land Adjudication Officer also told me that when the Land Adjudication Act came into effect in 1968, the reform process changed. In adjudication, the scattered pieces are registered where ever they are. One gets as many titles as pieces. The registration system is based on the **Torrens System** of Australia, that use aerial photographs to show the boundaries of the parcels. In this case, what is actually registered is not the physical land, but people's interest in the land. This means that only those who were able to make their interests prevail got land.

He also said that the adjudication process is a method of legalising and ascertaining land ownership. Legalise is to create a document relating a property to a particular person. To ascertain ownership is to have it identified both in the map and on the ground. Once both processes are completed, an economic viability for development is created. Somebody is now sure that the land is his/hers which s/he can sell or use as an asset.

But a Law Dictionary told me that adjudication is 'a judgement of decision of the court' (Rutherford et al 1994 p14). This means that a decision of an adjudication officer would not be superior to that of a court of law. Furthermore, the 'Australian System of land ownership is based on Britain's- there is freehold and leasehold, there are national parks and vacant Crown Land' (Sunday Telegraph Magazine 11 Jan. 1998 p12). The fact is that there is no difference between the Torrens system and the Kenyan system as per the Crown Lands Ordinance of 1915.

From here onwards, I will refer to land consolidation and land adjudication as if they are synonyms. The whole problem had been started by the colonial government (consolidation), and worsened by the KANU government (adjudication). For analytical purposes, I will treat them simply as different aspects of *land reform*. What then was land reform supposed to achieve here? This raises the agrarian question, which I have yet to discuss below. But first, Lipton's (1974 p270) theoretical definition of land reform is useful:

Land Reform (agrarian reform, *reforma agraria*) comprises (1) compulsory take-over of land, *usually* (a) by the State, (b) from the biggest land owners, and (c) with partial compensation; and (2) the farming of that land in such a way as to spread the benefits of man-land relationship more widely than before the take-over. The State may give, sell or rent such land for private cultivation in smaller units than hitherto (*distributivist reform*); or the land may be jointly farmed and its usufruct shared, through co-operative, collective and State farming (*collectivist reform*).



What actually happened in Siaya was a compulsory take-over of land rights by the State under the pretext of distributive reform. First, the Land Adjudication Act of 1968 simply completed the take-over that had already started during colonialism. Second, as far as Luo customary law was and still is concerned, land reform was illegally imposed on them by the settler colonial authority. The current experience for the Luo is that although land reform *was* and *is* still customarily not accepted, the sense of justice among the Luo was further disregarded by the post independence Government of Kenya.

Briefly, I have examined the land question in Kenya and have derived a context for an argument that the differential status between women and men in Kenya is not due to the physical environment or subsistence agriculture, but to settler colonial history, economics and politics. Worse still, the Government of Kenya has never bothered to address these questions with a view to correcting them. This scenario has resulted in the present poverty and inequality that people of Siaya and all rural Kenyans are undergoing. The fact is that if Kenyans cannot satisfactorily address the structural land problem, then they cannot sort out the agrarian problem. All native Kenyans are stuck in a nightmare. This is the agrarian question as it applies to Siaya and rural Kenya in general. Let me now discuss it.

### 5.3 THE AGRARIAN QUESTION IN KENYA AND THE AGRARIAN CRISIS IN SIAYA

It is very unfortunate that 'British imperialism succeeded in establishing the African landowning class in political power, and it also determined, thereby, that Kenya's subsequent independent economic development would be curtailed' (Good 1987 op cit. p616). This is the answer to the *why* of the historical case which I raised at the beginning of this chapter. In Chapter One we also saw that in Africa, no less than in England, he who controls the land is in good position to influence government. We saw that when the political balance shifted from the colonialists to the nationalists at the dawn of Kenya's independence, the colonialists cheated the nationalists in two ways. First, the nationalists were made to postpone the land question until after independence. Second, the enclosure movement which was started as a punitive measure during the emergency was reformulated to become a plan to develop African Agriculture. The Europeans knew that when native land ownership went to men through consolidation, productivity would have to decline as the land owners were still working for them in urban areas and settlement schemes. Third, when Kenya became independent, it turned 'overnight' from a settler colony to an agricultural country as the attention of Kenyans was shifted from the European ownership of land to the agricultural production of land. In other words, Kenyans were told that the mainstay of their economy was agriculture, still centred on large farms. Meanwhile, the agrarian crisis, which had been triggered by land reform, continued in rural areas. How was it in Siaya?

### 5.3.1 The Agrarian Crisis in Siaya

The agrarian question in Kenya is basically a question of whether Kenya could develop a viable agricultural capitalism within the structures created by land consolidation. However, the agrarian crisis comes from the fact that the great majority of Kenyans who live in rural areas cannot assure themselves of food sufficiency all year round. This is currently a deep political issue in Kenya.

It would be difficult to overestimate the contemporary political impact of the Swynnerton Plan. One measure of its significance is that it was taken over virtually intact as a cornerstone of rural policy by the postindependence government of Kenya. The program, renamed land adjudication, is now administered by the Ministry of Lands, Settlement and Physical Planning. The Principal difference between the present policy and the earlier program of land consolidation and adjudication is that the consolidation aspect has been dropped as too cumbersome. Land adjudication, since independence, simply requires that an individual's land holdings be carefully demarcated, and that traditional entitlement be fully established, before title is awarded. Under this system, further consolidation of small land units into economically viable farms is left to the operation of the marketplace (Lofchie 1989 p188).

Since Siaya district went through both types of reform, (consolidation and adjudication), the impact of the Swynnerton phenomenon had a double effect on underdeveloping Siaya. The Plan itself 'involved consolidating land fragments into single holdings and issuing registered freehold titles to individuals. The householder would then be able to borrow from commercial banks or from government on security of their titles' (Anyan'g-Nyon'go 1981 op. cit. p115). First, this could happen only in situations where land became completely privatised after consolidation. Second, it depended on the economic incentive for borrowing from the financial institutions. In districts like Siaya, where people, mainly women continued with subsistence agriculture after land consolidation as before, there was almost no need for agricultural loans. Moreover, subsistence agriculture and food production in Siaya are

mostly in the hands of women, who as shown above, lost out during the scramble for land.

Third, my interview with the Manager of the Agricultural Finance Corporation (AFC), Siaya Branch, revealed a big agrarian problem in Siaya. I here below quote him:

*The Siaya AFC branch opened in 1981. Up to 1985, we have been giving unsecured loans. From 1985 onwards, AFC decided that all loans had to be secured. A number of women benefited from the unsecured loans though the figures are not available by sex. The future of agriculture in Siaya is very bad. There is lack of organised markets for local agricultural products. Most farmers are living from hand to mouth because poverty is serious in Siaya. There is lack of factories, though Siaya District can produce tobacco, sugar cane, coffee, milk, etc. This is due to neglect by the Ministry of Agriculture. There are also lots of crop failures and continuation of bad farming practices, especially along the Lake shores. Almost half of our loanee farmers in Siaya District are dead, together with their wives. This is mostly due to AIDS and diarrhoeal diseases, specially along the beaches.*

Theoretically, industrial development resulting from rural land reform can result in higher status for both women and men. In Taiwan, for example, land reform promoted industrial development in at least three ways. First, it changed the structure of the social economy, raised the intellectual standard of the farmers and sharpened the farmers' political consciousness. Second, it laid down a sound foundation for



private enterprise. For the first time, private enterprises came into existence that were not run by wealthy families but by the general public. Third, it brought about a favourable social environment for promoting industry. Poverty and turmoil are obstacles to industrial development (Brown and Lin 1947 p375-376).

I hope that the Taiwan experience describes what Mr. Swynnerton meant when he 'proposed that an African Loan (or Land) Bank be set up with sufficient funds to finance developing farmers under the present plan and to finance district cash crop boards or co-operative societies in the construction of processing plants' (Swynnerton 1954 p61). He even proposed 'further development of farm institutes and training of women instructors... and the needs for practical agricultural instruction in schools' (p61). I was happy to find that the Principal of Siaya Farmers Training Centre was female. To this extent, Swynnerton meant well for Siaya farmers of both sexes.

The problem, however, is still that Swynnerton did not care about the possibility of land reform causing landlessness among native Kenyans. He wrote: 'Former government policy will be reversed and able, energetic or rich Africans will be able to acquire more land and bad or poor farmers less, creating a landed and a landless class. This is a normal step in the evolution of a country' (Anyan'g-Nyon'go 1981 op cit. p115). If landlessness was a normal step in the evolution of a country, then where was the need for the government policy or for the plan itself? Was the plan and policy not a colonial strategy to cheat the Africans that landlessness was normal, forget their claims and then sell their labour cheaply in order to pay their taxes and stay alive?

No debate on the agrarian problem in Kenya has ever answered this question. Even if *Kenya* was not colonised by the British, there was going to be population pressure on land in (what became) Siaya, because 'agricultural density acts as a progenitor of land inequality [and] as population grows, there is a geometric subdivision of the land so that at a later point in time, an exponential distribution describes the landholdings' (Midlarsky and Midlarsky 1997 p58). The argument is that as population growth continues, landlessness also continues, to the point of no return, when some calamity ensues. But this is a Malthusian proposition that should never be allowed to succeed. People always know how to deal with it, but when it is imposed on the people by foreign powers, who also want to settle around, then it becomes a difficult problem to deal with.

Briefly, the agrarian question in Siaya was triggered by the colonial social engineering. The Swynnerton phenomenon was the main element behind the colonial agenda to establish the African land owning class in political power, so that the energy of Kenyans would be spent on selling their cheap labour as 'shamba boys' and squatters in the enclaves and slums. The rural residuals would also be busy fighting themselves over poverty and landlessness caused by land reform. Why did Swynnerton talk of evolution of a country instead of development? Are the conflicts and poverty in Siaya a sign of evolution or development? To what extent are women particularly victims of these circumstances? Let me discuss this question briefly.

### **5.3.2 Women and the Agrarian Question in Kenya.**

'In reality, [African] rural women are so grotesquely underprivileged that it is almost impossible to capture the magnitude of their oppression' (Tadesse 1982 p209). I agree with Tedesse, but how are those women who are conscious helping those that are not conscious in this class dominated world? The problem is that these kinds of concerns, although correct, do not help at all. They mostly tend to isolate women into objects of study. This sisterhood approach has only succeeded in polarising women into peasants and professionals. This approach has mainly been promoted by their sisters mainly armed with sociological and anthropological methodologies in a kind of centre-periphery relationship. Women professionals and senior civil servants do not seem to be interested in doing something about the reality of poor women's deprivation and peasantry. They continue shouting gender equality without action while relying on the normative bourgeois science to lord over their sisters.

If we argue, like England (1997) that feminisation of poverty increases when dependence on husband backfires, and when the woman has to survive on her own, then we can understand the situation of women in Siaya district. A glance at a few statistics can tell it all. The 1994 Kenya Welfare Monitoring Survey found that Siaya women would qualify as the poorest in Kenya. In terms of female household heads, Siaya leads the whole country with 45.5%. In terms of illiteracy, Siaya leads all six districts surveyed in Nyanza Province with 48% of adult women (aged 15+) unable to read and write. To make it worse, Siaya has the highest percentage of widowed female household in Kenya, 27%.

Again recall that the colonial design was to privilege Nairobi and the central area against other areas. The gendered impact would then have to show over time. Using data from the 1989 Kenya Population Census, Siaya and Kiambu districts compare as the *least* and the *most* privileged districts within this colonial underdevelopment programme. Table 5.2 below shows the mortality indicators for Kenya, Nairobi, Kiambu, Siaya and Nyanza Province.

Table 5.2

SOCIO-ECONOMIC INDICATORS FOR CENTRE AND PERIPHERY OF KENYA  
1979-1989

	Expectation of life for Males	Expectation of life for Females	Expectation of life for both sexes	IMR*  (PER 1000 live births)	Crude Death Rate per 1000 Population
Kenya	57.5	61.4	59.5	66.0	10.6
Nairobi	65.3	66.8	66.1	49.0	5.4
Kiambu	66.7	69.0	67.9	38.0	6.6
Central	67.7	69.1	68.4	30.0	7.0
Siaya	46.3	50.1	48.2	135.0	17.9
Nyanza	49.5	53.5	51.5	111.0	15.1

\*Infant Mortality Rate

Source: Republic of Kenya 1996(a): Kenya Population Census Analytical Report Volume V

‘Mortality’, Table 4.5 page 50.



It is difficult to deny the fact that Siaya's predicament stems from settler designs to underdevelop the periphery of Kenya. The 1989 population census found the expectation of life in Nyanza to be the lowest in the country, (51.5), closely followed by Coast Province (56.5) and Western Province (56.7). Compare these with Central Province (68.4).

Despite theoretical arguments on the agrarian question as was perceived, for example by the 'Nairobi discussants' (Anyan'g-Nyon'go 1981 op cit.), the main point is that the Swynnerton Plan did not want to see any development of a middle peasantry in Nyanza or among native Kenyans in general. The problem was that the present Kenya government is confused as to whether to support the survival of the peasants or the large scale farmers.

Engels once wrote that the worst thing that can befall the leader of a party advocating fundamental change is to be compelled to assume power at a time when the movement is not yet ripe for the domination of the class he represents. Such a leader must find himself in an insoluble dilemma (Mamdani 1988 p1180).

This is the KANU dilemma between rational colonial principles or realistic peasant base. Kenyans will not find a way out if they continue to be trapped in this dilemma. An examination of this exploitative structure is now imperative.

## 5.4 THE POLITICAL ECONOMY OF UNDERDEVELOPMENT IN KENYA: FOCUS ON SIAYA.

Some people argue that there is a difficulty of reconstructing how land was distributed in pre-colonial Kenya because of 'pre-colonial Africa 'data limitations'' (Haugerud, 1995 p111). But the early history of the East African interior is well described by historians such as Twaddle (1975). The problem is in the definition of the pre-colonial baseline from which measurements of economic or agrarian change and their connection with the magnitude and direction of rural class differentiation processes have evolved. Since the present Kenya became a British colony only at the turn of this century, what is important for the future of Kenya is the interpretation of the evidence left by the *nyayo* (footsteps) of colonialism. For example, 'By the late 1920s, European officials and settlers in Kenya had forced the African population as 'a whole' to play its assigned role as a cheap wage force' (Good 1976 p603). In 1947, unskilled agricultural labourer in Kenya was earning Shs.23 to Shs.28 per month; while the skilled or headman was earning Shs 33 to 100 per month (Gordon-Brown 1947 p850). In fact, Kenya's wage force was described to be probably the cheapest in the world.

The fact that 'harsh taxation compelled many Africans to work as hired labourers on the settler's farms, creating an infrastructure that guaranteed that the central area around Nairobi and the White Highlands would have a headstart in development' (Berg-Schlosser, 1990 op. cit.) was a long term policy of the British government. Apart from Mombasa, which is the main port of Kenya, the pattern of urbanization in

Kenya has been confined to Nairobi, the Central Area and the White Highlands. According to the Kenya Population Censuses of 1969, 1979, and 1989, Nairobi, Central and Rift Valley together had respectively, 65%, 57% and 59% of the Kenyan urban population. Further, the 1989 population census confirmed that

the net receivers were either urban centres or the less densely populated arable lands of Coast and Rift Valley Provinces. On the other hand, the net losers were either the highly productive densely populated areas, or the inhospitable sparsely populated regions. This implies that internal migration to a large extent was either in search of arable land for settlement, or employment in urban areas (Republic of Kenya, 1996(b) p28).

Kenyans are still moving from rural areas to seek employment in the Rift Valley or Nairobi, Central and other 'privileged' areas. This is because the Kenya government is only managing the structures left by colonialism while pretending to be 'dedicated to creation in Kenya of a society based on the principles of African socialism and to planning as a principal instrument for achieving that society (Goulet 1971 p62).

Recall that

capital in its struggle against societies with natural economy pursues the following ends: (1) To gain immediate possession of important sources of productive forces such as land, game in primeval forests, minerals, precious stones, and ores, products of exotic flora such as rubber, etc. (2) To 'liberate' labour power and to coerce it into service. (3) To introduce a commodity economy. (4) To separate trade and agriculture (Luxemburg (1997 p18).

Land consolidation was a policy designed to incorporate the native areas into the national market economy. This policy resulted in two contradictory effects. Firstly,

the labour power that became landless were supposed to migrate to the privileged areas to sell their 'sweat' for bare survival. Secondly, the native rural economy was to be commoditised in order to become a market for the food produced in the urban areas. The contradiction came when the same labour power could not be in the 'urban' and 'rural' sectors at the same time. This is a deep sense in which capitalism ensured future rural underdevelopment in Kenya.

This rural underdevelopment is also gendered. First, by losing the right to inherit land equally as men, women have become landless and propertyless. Second, as the working age male population has moved to urban areas, the traditional rural family unit has been destroyed. Third, management of this political economy of rural underdevelopment in Kenya is the duty of the state, i.e., public administration.

#### **5.4.1 Administration and Rural Underdevelopment in Kenya**

This reminds me of the chattel slave drivers who used coercion, force and violence to extract surplus from the slaves. In rural Kenya, administration simply means death; economic, social and political. To explain this, I want to examine the role of two institutions, the District Commissioner and the Locational Chief.

##### **5.4.1.1 The District Commissioner**



Because it is axiomatic that every public activity during the colonial period was perforce acted out against the backdrop of the ubiquitous colonial administration, so that the District Commissioner took the role of producer or prompter where he was not already playing the lead.... To missionaries and merchants, soldiers and settlers, to the professional and technical branches of the colonial service, to all Africans - princes, peasants and politicians alike - the omnipresence of the D.C. constituted an ineluctable consideration in their every thought, word and move (Ranger 1979 p 463-464).

Who needs the omnipresent D.C. in Kenya? Ironically, the DC is still almost everywhere in Kenya. That is why the number of districts is increasing in Kenya *ad infinitum* for *closer administration*. Isn't this what has been called the 'second colonial occupation'? (Mueller 1984 p403). The problem is that Kenya is still under the grip of a structure that benefits only the former colonial government. Why is this so? Because of the patron-client pyramidal structure which ensures that the opportunities for rural people to accumulate wealth are structured in part by their vertical ties to influential patrons (Haugerud 1995 op cit.). Who would expect ordinary rural Kenyans to understand the Crown Lands Ordinance of 1902 or any other land act passed by the KANU/KADU government?

During field work in Siaya, for example, I was told that the DC is in charge of everything concerning land in the District. He is the Chairman of the District Development Committee; head of all departmental heads; signatory to all departmental payments. The truth is that there is no difference between the present DC in Siaya and the colonial DC of Central Nyanza, *Bwana Hoblo* (Mr. Hobley).

#### **5.4.1.2 The Locational Chief**

In Siaya, public administrators are in charge of almost everything to do with development. Between the DC and the Locational Chief, there is the District Officer, who is usually from a politically correct ethnic group. Behind the DO is the Chief, who is usually the tool for rural underdevelopment in the sense of patron-clientism. In Africa, rural community has a kind of corporate status, whether imposed and/or claimed (Bernstein 1996). The claim is that of a common identity and inheritance in relation to specific land. The political structure in this specific land may be seen in three key institutions: patrilineal kinship, rulership and clientship (Fallers 1955). Generally speaking, the Luo fall within the patrilineal kinship group, the Luhya in the rulership group and the Kikuyu in the clientship group. The main message is that '[a]mong the Luo, the chief was essentially a leader, rather than a ruler' (Ochieng' 1972 p49). The present chiefs and DCs are not leaders because they are not elected by the people. They are imposed rulers.

My key informants told me that when the British colonialists came to what is now Siaya District, they found a kinship group whose political structure was based on clans. The people of Alego, Gem, Uyoma, Asembo locations were more-or-less independent kinships on their land. In order to colonise and rule Alego, for example, the British used the nearest rulership structure, Mumia son of Shiundu who was a 'King' of the Wanga people. Mumia in turn imposed his 'governors' in different parts of the Wanga chieftainship. In Alego, he imposed N'gon'ga son of Odima. N'gon'ga

in turn imposed people like Okelo Obingo to rule West and South-West Alego; Okaka to rule Kaluo area; Adeya to rule Ula and Umala; among others. This is how chieftainship started in Siaya. But a person called a chief in the current sense is a misnomer in grassroots Luo society. The Luos did not have chiefs, but elders who used to exercise parental powers over a clan as a kind of extended family. The clans coalesced into communities, which became sublocations. That is how egalitarian power relations were expressed in Luoland. This point needs further explanation.

#### **5.4.2 Equality and Land Use in the Luo Community.**

A brief theoretical discussion of the concepts of freedom and equality is important for a better understanding of the Luo people. Adopting Ingram's (1994 p106-109) interpretation of Rawls, citizens regard themselves as free in three ways: as self originating sources of valid claims, as having moral independence, and as capable of taking responsibility for ends. It is important to ask whether the Luo, as citizens of Siaya regard themselves as free in all the three ways. One has to base the analysis either on the state level, the family, or the individual level. In case of land, we saw that the local authorities in Siaya such as Siaya County Council and Urban Councils are only impositions on Siaya people's traditional land arrangements.

The question then is: What is the essence of freedom and equality in Siaya? Does an individual have the right to assume that s/he is born free and equal like anybody else in the district? Does s/he have a right to a fair share of a common asset (land) like any

one else? These questions beg for two kinds of response. First, they beg for some proof of the Luo egalitarianism at the individual and the family levels. Second, at state level, there is also need to find out whether the Kenya Government has a land policy that would assist an individual Luo person or family in Siaya to understand his official station with regard to land. I will answer the second question in Chapter Six. Let me answer the first one now.

The experience I got from the field left is that the Luo are egalitarian. I reported much of this in chapter 4. To borrow Kekes' (1997 p659) definition, I would argue that the Luo people also share

a basic egalitarian belief that serious unjustified inequalities are morally objectionable and that the measure of a just society is the extent to which it eliminates or at least reduces them. Inequalities are serious if they affect primary goods, which are goods necessary for living a good life, such as adequate income, health care, education, physical security, housing, and so forth.

On the list of goods necessary for living a good life in Siaya is land. Land reform, caused unjustified inequalities that did not exist before. If the authorities that executed land reform in Siaya had taken the advice of the Lawrence Commission seriously, then land would not have been adjudicated. A landless individual in Siaya currently 'is an invention of modernity that has imposed itself as [Siaya's] contemporary reality' (Hilb 1994 p 106). In fact Kenya is a perfect example of the failure of state planning and corporatization or privatisation of social goods and services (Meredyth (1997 p274).



One of the people that I interviewed intensively in England was an Indian who was born and grew up in Mombasa, Kenya. He came to England and settled in Bristol in 1971. His father was given a quarry by the colonial government in Mombasa area, and his best masons were Luos. He told me that the Luo are the most skilled and hard working Kenyans he had ever seen. Other ethnic groups were only used as transporters of the blocks to the sites. He said that he grew up with Luo people and even knew their language and some songs. The role played by Indians in the development of local economy in Siaya needs to be studied.

What the people of Siaya need is to revive their traditional sense of civil society which depends on the *active participation* of free and equal citizens in their motherland as the political community. This is because participation is empowering, transformative and egalitarian. It has the potential to change the individual greed for land into collective ideals and public need. Kenyans should beware of the proto-type of this 'revival' that is already resulting in civil strife (ethnic clashes) in the former white highlands and abject poverty in the former native reserves. They urgently need to see the difference between the concept of civil society as imposed by the West and the African concept of civil society. Siaya people must marshal all the necessary determination and all resources, physical, social, economic and human, and then lead the rest of rural Kenya in managing this imposed inequality.

The fact that Siaya has been largely excluded from Kenya's development should no longer surprise the people of Siaya. Everybody knows that some kind of '[e]xclusion

is a reality in every society' (Domen 1997 op. cit. p485). Siaya's exclusion must have started with the European colonialists who excluded Africans from their (African) land and countries. At family level, Luo men also tend to exclude women from inheriting land. But the main challenge which the Kenya Government inherited is that of 'managing the tensions between social differentiation and common belonging.' (ibid. p485) at all levels, national, community and family. The point is that, if delinked from the national colonial structure and empowered in the right way, the Luo traditional life is capable of managing this challenge.

Nobody should allow future generations to live in this situation of institutionalised inequality and social differentiation. One option for sorting out this problem is for Kenyans to allow their state to continue with the weakness and inability to make clear its policy on issues of practical and strategic life, such as land, food, water, and shelter. The Government can then continue with its dependent, caretaker role through public administration. But the danger is that this will allow further exploitation, oppression and systematic exclusion of the majority of Kenyans as has so far been the case. This approach is clearly unrealistic, unethical and unsustainable. It is already causing deaths in all parts of Kenya, such as Siaya, Rift Valley and Coastal areas. A sustainable social policy option would be for the Government of Kenya, through local authorities, to empower the people to build a kind of asset democracy that utilises land as a common asset from which they all enjoy economies of scope. I need to explain the idea of communal land tenure in Siaya in order to clarify its relevance to asset democracy.

#### **5.4.2.1 Communal Land Use in Siaya**

In the case of Siaya, the pre-existing structure is communal land tenure. Let us revisit the concept and find out what we can learn from it. A world view of considering communal tenure could be termed 'commonhold ownership schemes' in English Law. According to (Gray 1994 op cit. p10-11),

commonhold ownership provides a means of regulating relations between owners of separate properties which lie in close proximity to each other and which are interdependent...'commonhold' proposals comprise a significant adaptation of existing notions of freehold ownership... The commonhold association [the clan] would be responsible for the repair and maintenance of the common parts and for the provision of services within the commonhold scheme, receiving for this purpose, a service charge payable by each unit holder [stakeholder].

In the case of Siaya District, the commonhold association is the family and the unit holder is the individual woman or man. We had seen in Lipton (1974 op cit.) that one of the main reasons for land reform was the farming of that land in a such a way as to spread the benefits of man-land relationship more widely than ever before. But after land consolidation in Siaya, one can no longer farm land that s/he does not own. The best way out of this problem is to revert to some kind of common land use on stakeholder basis and for the state to be responsible for the practical needs of the individuals and the families. Those individuals and families are the ones that guarantee the existence of the state by paying their taxes and delivering their votes.

Therefore, the people of Siaya have no alternative but to develop themselves into the future. In order to be trail blazer for the rest of Kenya, Siaya must become an *active society*. The active society is

a response to the dramatic rise of part-time, irregular and non-standard forms of employment. Indeed, it makes these the employment norm. It is this trend that is to allow the elderly, the single-mother, the student, the long term unemployed, and the physically challenged to become 'active' in combining part-time work with other activities....Active society discourse entails a displacement of the category of the officially unemployed [because] unemployment has become but one amongst many axes of social exclusion (Walters 1996 p225).

I can't see what is wrong with asset democracy as long as it operates in an active society, where no one will steal other people's rights. Its strength derives from shared economies of scope and benefits therefrom. Its spirit revolves around teamwork and mutual trust and responsibility of equal men and women in the society. The development administrators will not be required, only the people and their *democratically* elected leaders. In fact there is a very clear distinction between economies of scale and economies of scope.

Economies of scale arise when the average cost of producing a given bundle of output decreases as the total amount produced increases. Economies of scope arise when it is cheaper to produce one or more products jointly than to have them produced by separate firms. These economies of scope are critical to an understanding of the role of common property in agricultural production, taken broadly to include fisheries and foraging as well as cropping and foraging industries (Quiggin 1993 p1124).

It would pay to dig a little deeper because there are two rationalist problems to be dealt with. The first one is known as the *tragedy of the commons*. 'Colonial and post-



colonial administrators in Africa regarded' traditional land tenure systems 'as disorganised, leaving resources open to overexploitation and a 'tragedy of the commons'' that results 'in environmental decline through deforestation, reduction in grass cover and deforestation' (Woodhouse 1997 p538). Tiffen (1996 p169) also argued that

[i]n relation to land, there is a tendency to romanticise common property arrangements without serious effort to find out whether they are locally preferred by potential users and non-users, whether they complement individual land rights which may have already become established, or whether they are feasible within the local socio-political reality. Communal tenure has administrative attractions, because it seems easier to control a few 'traditional' authorities than many individual owners (as evidenced in the former homelands of South Africa), and it may seem to facilitate anti-erosion measures and environmental improvements.

These are examples of rationalist arguments that are decided not to admit that the African farmers have the right to their traditional land use systems. Terminologies like the 'commons' and the 'resource poor' farmer are used by the rationalists to hide the deprivation, exclusion and the resulting inequality between women and men in access and use of the land. More serious is the fact that these imported policy decisions are usually imposed on African governments without discussion and approval by the people that eventually get affected.

The second one is called 'global future'. Kenya has to manage the tensions arising from her *colonial economic past* and her *global economic future*. Finberg's (1972 op. cit. p401) argument that 'in the end, history must be written forwards, not backwards' must be taken very seriously. This means that the tensions caused by Kenya's colonial

land structure, which the current ruling elites are supposed to preserve, and the imperative for Kenya to emerge as an independent democratic Republic must be managed by Kenyans themselves. In other words, the global future must be a future of equality, development and peace; a future which belongs to the commons and the active citizens.

#### **5.4.2.2 Could Communal Land Use be a Way out for Kenyans?**

The colonial approach of divide and rule and a dual economy that benefits only a few politically correct individuals is very dangerous for the future of Kenya. It is responsible for Kenya currently being on the road to qualify as a failed state when 'governmental structures will be overwhelmed by circumstances' (Gros 1996 op. cit. p454). I wonder how the West could expect Kenya to be an example of a colony able to adopt a bourgeois mode of production and develop her own productive forces within it if the same Kenya was supposed to remain a dependency. The fuel that kept the Kenya Debate (Leys 1996 op cit.) raging was that Kenya was apparently not able to specify her social policies that would guide it into the future as a capitalist former colony in Africa. Wasn't Kenya's failure to carry the flag of (colonially imposed) capitalism in the middle of Africa that is responsible for her current marginalisation? Who said that native Kenyans are capitalists by nature and would simply and peacefully reproduce settler capitalism after independence? As the Swynnerton Plan is heading for the rocks, Kenyans are now being blamed for being tribalists, and corrupt, and unable to manage their own country. Aren't those who enforced structural poverty on Kenyans the ones that should be blamed for all this?

## 5.5 CONCLUSION

This chapter shown that Siaya District is a good example of double exclusion from the national (Kenyan) *and* the international (post-colonial) contexts. I have discussed the social consciousness and social capital because they are prerequisites for what is badly needed in Kenya. The agrarian question is the sociology while land question is the political economy of rural underdevelopment in Kenya.

Kenyans may no longer survive with the double disability of poverty and exclusion. Kenya inherited this backwardness from the structure of colonial economy and then got involved in post colonial world economy from a position of extreme weakness. This weakness resulted in Kenya's failure to perceive the connection between the agrarian and the land question and then deal with the Swynnerton phenomenon. This failure has ensured that Kenya is a complete legal, economic and political dependency and is heavily indebted to the old imperial system.

I support a strong state, i.e., a state that is aware of its responsibility and duty to every individual citizen, every family and every community in the country. There is no way in which ordinary Kenyans can get rid of this Swynnerton induced poverty without a state that is capable of implementing 'efficient policies in face of opposition from rent-seeking groups within society' (Lucas 1997 p72). The government and people of Kenya must be aware that they may never survive in this world where the very

colonial masters have simply transformed into market fundamentalists, green imperialists and 'NGO-colonialists'.

How will Kenya manage the social pathologies arising from land consolidation, such as extreme deprivation, social exclusion, violence? There are also many Kenyans born to the urban poor, the rural landless and the small holder families; do they also have a right to own property or to be in charge of their own future? Where should women and men who are born in Siaya live? Should they live in rural Siaya, where they have no land or in urban areas, where they have no shelter or employment? What happens to them if the husband, or a male relative is not there? Where will male children born of landless women go? How about those families that got too small piece of land to go round? A solution must be found. This is the subject of Chapter 6.





## Chapter 6

### LANDLESSNESS AND POVERTY IN SIAYA DISTRICT: TIME FOR ACTION IS NOW.

#### 6.0 INTRODUCTION

A solution must be found to the problems arising from land consolidation in Siaya District. This solution will have to come from man<sup>1</sup> because, '[m]an is the only animal that laughs and weeps; for he is the only animal that is struck by the difference between what things are and what they might have been' (Sampson (1998 p229). The current structural difference between women and men, as a result of land consolidation in Siaya District of Kenya is particularly disturbing. The way Siaya people are struggling with landlessness-as-poverty at individual level certainly 'guarantees destructive conflict and a life that is "solitary, poor, nasty, brutish and short."' (Ridge 1998 p538). Although '[t]here is nothing more difficult to handle, more doubtful of success, and more dangerous to carry through than initiating changes' (Sampson 1998 op cit. p54), something has to be done about this problem. That something will have to be done *by* Siaya people themselves, *for* themselves. There is no point lamenting over it and then doing nothing. We must have courage and use our own reason; that is the motto of enlightenment (ibid. p1). In any case,

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<sup>1</sup>I mean 'human being'

[t]he original science movement was associated with the Enlightenment, revolutionary social movements for democracy and religious freedom, classical liberal ideology and the emergence of capitalism. The message was hopeful: humanity can progress if we rely on the powers of critical thought that reside in each of us (Perlich 1989 op. cit. p114) (my emphasis).

This chapter is divided into four main sections. Section 1 examines land policy as underdevelopment in Kenya. Section 2 discusses landlessness, gender and social policy in Kenya. Section 3 discusses the factors that could help women of Kenya to deal with their future of landlessness and poverty. Section 4 proposes the action necessary to confront landlessness-as-poverty in Siaya, in Kenya and in Africa. I have three reasons for proposing action at three levels.

Three issues need to be kept in mind. First, that land is both a common denominator as well as a unifying factor in the future. Land problems in Kenya are not much different from those in other former settler economies in Africa. Second, the life of the Luo of Kenya historically started in Alego, Siaya District. This makes Alego in Siaya the natural starting point in confronting the fall of the Luo as well as the Kenyan tragedy. Third, the fact that the Luo people are egalitarian is important for the development of a plan that puts human equality first, especially in Africa.

## **6.1 LAND POLICY AS UNDERDEVELOPMENT IN KENYA**

How did land policy originate in Kenya? Since Kenya was a British colony, land policy was determined by Britain. If we assume that land policy and social policy are

synonymous, since landlessness is also a social issue, a rough idea of the origin of social policy in Britain is important for understanding the current social policy in Kenya.

In Britain herself, the growth of the state involvement with the welfare of its citizens can be related to the development of the industrial society, and its subsequent maturation and decline into post-industrialism (Hill 1993 op. cit. p12). Alongside industrial development were political developments associated with the extension of suffrage, citizens' involvement with the affairs of the state, changes in social life, including family life; changing views of the respective responsibilities of the individual, the family and the state for remedies of social problems (ibid.) The result was a package of developments - of the state's role, the character of the economy, the nature of political processes and ideologies - which those without a very dogmatic belief about the motive forces in political developments find difficult to disentangle in cause and effect terms (ibid.).

Development in Britain was therefore synonymous with industrialization. Notable is the fact that British *state involvement in the welfare of its citizens* was related to industrialization which involved citizens more thoroughly with the activities of the state; changes in social and particularly family life; responsibilities of the individual, the family and the state to remedy social problems. Therefore, the three main pillars on which the edifice of British industrialisation, development or social policy was built are, the individual, the family and the state.



A definition of development is now required. '[D]evelopment is improvement in the chances of survival of individual people, particularly in the length and quality of their lives. It is a process of social change with economic, social, cultural and ecological dimensions which are all interrelated (Pronk and Sciarone 1996 p354). Throughout this ending century, development and conflicts have been inseparable, especially in Africa. Kenya is a good example where state formation, cultural opposition and economic inequality have all combined to curtail the chances of survival of individual people. Who is responsible for this?

Britain became a welfare state in 1949 when Kenya was still her settler colony. Was it not possible for Kenya to be concerned with the welfare of her citizens? It was possible, but this depended on *who* was the citizen at that time. The British social policy in Kenya then was based on two criteria: "paramountcy" and "dual policy" (Dilley 1966). According to Dilley, the Devonshire White Paper of 1923, stated clearly that the British interests would be paramount over the Indians and the natives. This meant that the natives came after the Indians in terms of paramountcy. Secondly, the native had a dual obligation to *develop* both the Native Reserves and the White Highlands of the colony (ibid.). Quoting Sir Edward Nothey, (Dilley ibid. p181-182) said that

it was not Government's duty to allow natives to remain uneducated and in unproductive idleness in their "so-called Reserves," but that it was their duty "to encourage the energies of all communities to produce... This can only be done by encouragement of the thousands of able-bodied natives to work with the European settler for the cultivation of the land and improvement of the stock.

Clearly, there was no evidence of British involvement in the welfare of the natives in Kenya. But this begs another question: Did colonial land policy answer the land question in Kenya?

### **6.1.1. From Land Question to Land Policy**

A short historical account is again necessary to shed light on the origin of the current land policy in Kenya.

#### **6.1.1.1 Land Policy in Colonial Kenya.**

We have seen that the dual economy in Kenya was based on racial classes under the policy of paramountcy. Only white people and *their* interests were paramount in Kenya. Although that was the official position of the colonial government, there were also some white people who were truly interested in the welfare of native Kenyans. One example was Dr. Norman Leys. In a paper entitled 'The Kenya Policy', he wrote:

The fact that large fertile areas in the uplands of East Africa were scantily populated or quite untenanted made the project of establishing a European colony in them a natural and attractive one. And so little was the future foreseen that no provision was made for safeguarding native rights in land. If it had been seen, no doubt British public opinion would have insisted that the land adequate for the needs of Africans be put securely in their possession. But the two governors successively in control of policy at the time did not believe that the best economic results would follow the policy of leaving the natives completely free to grow products for sale or consumption independently of European management (Leys N 1922 op.cit. p8) my emphasis.

Norman Leys had respect for the welfare of the natives in Kenya. But policy was effectively in the hand of the state, i.e., represented by the Governor, for example, Sir Edward Nothey or Sir Philip Mitchell, among others. Ley's interpenetration policy was therefore rejected. What counted then was the *best economic results*, for the Europeans, not the welfare of the natives, who were subsequently excluded from their land.

This policy of exclusion was the foundation of the sector-based official economic and statistical accounting in Kenya. Paradoxically, Kenyan official statistics still term the rural sector as informal, and largely exclude it from national statistics. First, how can social development planning be possible for the majority of Kenyans whose social statistics is never collected?

Second, in the colonial white sector, large farms and agribusiness is the formal sector on which national statistical accounting is based. The problem now is that these *sectors* have also divided Kenyans so that those in the traditional, rural and informal sectors are supposed to be inferior to those in the urban, agribusiness, and formal sectors. Third, a fourth and more artificial term has also been added to the list; the *intermediate sector* (Steele 1975), also known as the *missing middle*. To make it worse, this missing middle was also a colonial policy.

Kenya has a long tradition of government by means of economic and agrarian development projects aimed at fortifying the spirit of individualism and at creating a stable and conservative middle class with no interest in political life. This tradition goes back to colonial era (the agrarian policy proposed by the governor, Sir Philip Mitchell, after the Second World War; the policy of agrarian reform instituted during the Mau Mau troubles [land consolidation]; opening of the former white high plateaux to African farmers some years before independence), and Kenyatta resumed it because it fitted in well with the spirit in which he and his closest collaborators planned to govern Kenya (Buijtenhuijs 1974-5 p74). (my emphasis).

I hope that the way colonial policy affected the current the current land policy in Kenya is now clear. Obviously, an important element of the policy of paramountcy was class. How did this arise? A glance at schema A in Chapter 1 tells us that class in Kenya was based on *race*, which was also the motive behind the colonial paramountcy policy. Again, the neo-colonial emphasis on Kenyan political population censuses have continued to divide Kenyans in a kind of 'class system' known as tribes, putting those who are supposed to be the 'majority' tribe at the top of the table, followed by the second majority, and so on. This is reminiscent of colonial administrators who treated Kenyans as tribesmen, not citizens. Another colonial statistical 'hangover' still persisting in Kenya is the 'Social Class Index'. This index was designed by the Registrar General in England, and that was used in Britain from 1921 to 1971 inclusive (Bland 1979). It is difficult to understand why Kenya still uses a system that was made in Britain and discarded so long ago. It is also clear that the British colonial government used official statistics to cement the dualism which they had planted in Kenya.

In brief, there are two policies that were *involved* in the development of colonial land policy in Kenya: paramountcy and dualism. Sadly enough, the one that could imply



more consideration for the welfare of 'natives' in Kenya, the interpenetration policy, was rejected. The rejection of the interpenetration policy could explain the current 'land' policy in Kenya.

#### **6.1.1.2 Land Policy in Present Kenya.**

The discussion on realism and rationalism in Chapter 2 also showed how land policy generally evolved in Kenya. Colonial land policy was driven by administrative rationalism. However rational colonial policy could be, it was wrong. In order to understand this, consider Carley's (1980 p21) definition of policy:

policy making is about politics... Politics is certainly partisanship, meaning political parties, pressure groups, lobbying, public opinion and power struggle for preferment, dominance, control, influence, and position... Politics is also deciding the content of policy, the promotion of values, and choosing among alternatives in an attempt to solve problems and improve human life.

This is a rationalist definition of policy making as 'the application of analytical rationality to resource allocation decisions' (ibid. p23). But when elaborated, rational exposition can confabulate, mystify and deceive. Key elements can be bypassed or priorities turned upside down.

Another aspect of the evolution of land policy in Kenya was incrementalism. One of the ideas behind incrementalism is 'that policy and/or political change occurs only marginally, that is, what will be the case tomorrow will not differ radically from what exists today' (Gregory 1993 p213). The argument is that through incrementalism, 'the

decision maker reaches decisions by comparing specific policies and the extent to which these policies will result in the attainment of objectives'(Hill 1997 p102). For some realist reasons, Rothstein (1976 p695) also recommended incrementalism for Third World countries that are beset with 'constraints such as elite corruption and conflict, segmented and mistrustful groups, the centrality of the political struggle in the absence of alternative structures of power, and the dominance of urban interests over rural interests'. In a somewhat realist sense he advised as follows:

An incremental response seems to me the only viable way to make a policy in these circumstances, but only if it is also joined to a national vision of some sort, and only if the elite is itself committed to creating a better future for their fellow citizens (p705) (my emphasis).

By saying that 'only if the elite is itself committed to creating a better future for their fellow citizens', Rothstein must have been more on the realist side of the argument. This means that the colonial governors were realistic when it came to the British interests in Kenya, and rationalistic when it came to the interest of the natives.

In other words, the post-independence Kenya government still has no social policy which could be 'conceived as a kind of blue print for the management of society towards social ends' (Townsend 1975 op. cit. p6). This is a very big question in the future of social development in Kenya because consensual decolonisation meant that the issue of land was to be discussed after independence. Up to now, land reform has not been discussed (Leys 1996 op cit.).

In order to preserve the structures of colonial land policy, this 'say and do nothing' approach can also qualify as social policy in itself. It fits Townsend's (1975 op cit. p6) definition of social policy as 'the underlying as well as the professed rationale by which social institutions and groups are used or brought into being to ensure **social preservation** or development' (my emphasis). So while male superiority was superimposed (by land consolidation) on the traditional and historical male authority, nothing was done to alter the re-inforced impoverishment of women. Furthermore, the colonial policy of *dual economy* just made matters worse for women by legitimising gender inequality before family land. Characteristically, Kenya simply continued to pride herself as an open economy, an agricultural country and a tourist paradise. Meanwhile, ordinary Kenyan individuals and families in rural areas and urban poor remained or were more strongly excluded, landless, and jobless in the informal sector.

#### **6.1.1.3 Where is Social Policy in Kenya?**

The present Kenya government has nothing apart from a *say nothing* and *do nothing* social policy. It also confuses the goal of social policy with that of social welfare like the colonial **Kenya** government used to, i.e.,: 'to rehabilitate maladjusted and socially disorganised individuals and to reduce the present social problems'' (Seeley 1887 p541). That is why Kenya still keeps women's machinery in the Department of Social Services, together with others that need rehabilitation and charity such as the physically disabled. This is because the same government is still not able to realise that

[t]here was no [colonial] intention of creating a welfare state in [Kenya]; people were expected to meet their own needs with a minimum of outside help. Answering the needs of the vulnerable groups remained the responsibility of either local authorities or voluntary agencies... The view persisted into the 1940s and 50s that if the Africans were encouraged to stay in their natural rural setting they did not need aid (ibid. p543).

It is the responsibility of all Kenyans to sort out this confusion. Social welfare should not be confused with rehabilitation and charity. The Kenya government should realise that '[o]ne reason the state is a large enterprise, in the absence of war, is that it has to be to sustain its welfare activities' (Hill 1996 p8). Although welfare is the responsibility of the government there is no evidence to suggest that the present Kenya government is concerned with social policy at all. That is why Kenyans are now getting out of control with disadvantaged groups such as sturdy beggars, criminals, prostitutes, robbers, and those shouting God! God! Come! Come! This situation manifested very early in the emergence of nation states (ibid). It is here that new efforts have to be concentrated. The basis of this national need must be clarified by again putting it in a brief theoretical perspective.

We saw in Chapter 2 that realists begin with some general assumptions such that states are the key actors, the international system is anarchic, and that 'things fall apart'. Furthermore,

critical realism argues that the social world is structured in a certain way and that it contains dominant generative mechanisms which exert a powerful influence over the social formation. Critical realism can happily point out that society is founded on basic material relations and operates through material production, appropriation and labour (Joseph 1998 p84).



The point is that when it comes to social policy, it is important for all actors to be realistic and have good ideas since 'good ideas, like science will be recognised for their objective merits' (Yee 1996 p87). As an alternative to incrementally muddling through, a normative optimum model which is able to combine realism and idealism is required (Hill 1997 op cit.). This is the approach to the welfare of citizens that is badly needed in Kenya.

In summary, I have explained the development of colonial land policy in Kenya and its continuation up to now. I have also discussed the theoretical justification of this policy and introduced the question of social policy in relation to the land issue. Now I want to discuss landlessness and social policy in relation to gender.

## **6.2 LANDLESSNESS, GENDER AND SOCIAL POLICY IN KENYA**

It will be a sad day if some women of Kenya will be officially and statistically classified as 'untouchables'. The truth is that the seed had been planted by colonial land policy in Kenya. Lewis (1998 p284) said that

the status quo today for women born on African soil is a deeply unfair one. Arguably they work harder than men and yet remain poorer. They are exposed to some of the greatest risks to the life amongst all human beings and at more stages of their lives, but particularly in the process of procreation and often during marriage. It is life that is often deadlier for the female of the species in this context because of poverty, violence and disease.

This section will examine the basis of sex differentiated poverty-as-landlessness in Kenya. I will also draw on the experience of some Western countries with regard to women and social policy in order to justify the need for doing something to help Kenya.

### **6.2.1 Women's Poverty in Kenya: What is the Real Cause?**

Which human being has no right to food, clothing, shelter, education, water, love, oxygen, etc.? Here is one of the realities of life in which the West has thoroughly deprived the Third World, especially Africa. Deep down, this has been done in large measure by isolating women as a special case in development. Kenya is a classic example. Now, what can Kenya do? Esteva (1995 p7) said that

'[t]he minefield has already exploded.

In order for someone to conceive a possibility of escaping from a particular condition, it is necessary first to feel that one has fallen into that condition. For those who make up two-thirds of the world's population today, to think of development - of any kind of development - requires first the perception of themselves as underdeveloped, with the whole burden of connotations that this carries.

The main victims of this paradox in Kenya are women, divided between rich and poor, rural and urban, the high class and low class, the landed and landless. The same women are different among themselves. Some are educated, rich and urbane, but they also cry for equality and against discrimination. Others (the majority, in rural areas such as Siaya) are poor powerless and landless. Of course, on the other side of this coin are men, the land and wife inheritors and the better farmers.

This problem is a deeply rooted. Peter Townsend (1993 op cit. p168) warns:

It is widely believed that the problems of poverty in the First and Third Worlds are different in kind... This is fundamentally mistaken....It has blocked public understanding of the causes of poverty and of the effective kinds of action needed to eradicate poverty.

Some problems of poverty in Kenya and Britain, such as access to basic needs like housing, education and health care, are based on economic class and, in that sense, they are largely similar. Other problems are based on race and sex such as landlessness-as-poverty and violence, especially against women. For example, the landlessness of Kenyans Asians was imposed by the British, while the colonial use of violence to impose poverty on Kenyans was clear.

Townsend points out that policy measures to relieve poverty tend to be radically different. The Third World is urged to promote its development through a root and branch action, while the First World tends to be concerned with mild redistribution with changes to social security or employment incentives, rather than with institutional structures, and the entire sweep of economic and social development (ibid.).

How can Kenya promote development through a root and branch action if her way of statistical accounting is still so colonial? In other words, how can Kenya transform the economic and social base of her structural poverty if she is still so dependent on colonial statistics of racism and dualism? Colonial statistics was supposed to tell

Kenyans: *'You are poor because you are a woman'*, or *'because you live in a rural area'*, or *'because you are in the informal sector'*, or *'because you have too many children'*. For example, Binns (1994 p43) describes what he calls overpopulated Kenya, saying that '[l]arge families are often associated with the low status of Kenyan women for whom one of the few ways of improving status is by producing a large number of children'.

This is a familiar game of blaming the victim or giving reasons calculated to divert Kenyan's attention from their landlessness-as-poverty. It seeks to make Kenyans believe that nothing can be done or changed. In order to assist the victim (the woman, the poor, the rural) to conceive a possibility of escaping from this condition, I want to try to dig up to the deepest root of the problem. The importance of racial discrimination has to be reviewed more rigorously than before. An illustration can be given for Britain:

London in the time of Shakespeare was teeming with Africans and African women lived in large numbers particularly in the Clerkenwell area of the city. They were much courted by the young better class men around town - lawyers, actors, musicians, writers, the nobility (Scobie, 1994 p106).

An appreciation of cultural scarcity value seems to have been replaced by notions of dominance, greed, exploitation and fear. The fundamental problem is the real reason for the inequality between women and men in Kenya today. Don't Kenyan women also have the same 'skin that is something between satin and velvet'? (ibid. p108).



#### 6.2.1.1 The Fundamental Problem.

Those Kenyans who fully bore the brunt of colonialism, i.e., fully lived and served under colonial rule, like Mzee in Chapter 3, know it all. On the other hand, those Kenyans who came after, like Mzee's family, i.e., Bwana and the rest, face a real uncertain future, as the century draws to a close. They will be more and more marginalised by the international community, and their things will keep falling apart, yet they will not know why. Their women will get poorer as survival becomes a right of the fittest (most corrupt) of men. Who will speak for the poor women?

Their reason for getting poorer is because Kenya, like America, 'is also stratified by social class, which gives rise to class consciousness among members of both the dominant and subordinate classes' (Durant 1997 p334). And though 'white' (formal sector) male dominance is superimposed on 'black' (informal sector) male dominance, rural women have not got the same opportunities to wrest compensations (like civil rights, access to health and education and social security) from the state. But this, I hope, is not the path along which Kenyans (as per schema B, chapter 1) want to go. Kenyan women have to **fight** for their right to live as equal and free citizens all over Kenya, and especially in rural Kenya where the majority of the population resides.

Above all Kenyan women must know their enemy and that the fight for women's liberation in *this* century has not been easy. Women are even facing mounting problems all over the world. Latin America is dominated by *machismo*, a strong or

exaggerated masculinity. The practice of bride burning in India has not yet stopped. The Islamic tradition that keeps women veiled up is also around while in Africa, female genital mutilation imposed by men and traditional women is still continuing.

Women of Kenya must also understand the fact that despite their comparative disadvantage with regard to the women in Britain, white British women (and the West) are also still fighting many inequalities. A woman bus driver (Daphyne Richards) became a bus driver for the first time in 1970, while Karen Harrison became the first British female train driver in 1979. I wonder whether a Kenyan woman is already driving a Kenya Bus. But the door is not yet closed. Women of Kenya must understand that

[a]lthough the encounter between the coloniser and colonised changes in historically specific ways, and is always highly gendered, it remains a moment when powerful narratives turn oppressed peoples into objects, to be held in contempt, or to be saved from their fates by more civilised beings (Razak 1998 p3).

Kenya must therefore learn from Western Europe and America. W. Europe and America must also learn from Kenya. Kenya needs to know how she can deal with her post colonial inheritance that is based on racial paramountcy and a dual economy in order to deliver what women want; Equality, Development and Peace. W. Europe and America need to know

whether or not there are theoretical reasons for thinking that the ex-colonies can not “adopt the bourgeois mode of production” and develop their productive forces within it (Leys 1996 op cit. p143).

In other words, W. Europe and America need to learn from the Kenya debate. They want to learn whether their model is working. But I am sure that Kenyans are Africans and do not want to become Westerners. They want to be Kenyans, living as equals with development and peace for all and with their own home grown form of economic development.

Fundamentally, Kenyans also need to be aware that they live in the so-called civilised world. From Congo to Kosovo, people still kill each other on the basis of race, religion and tribe. From Brazil to Australia, ethnic groups are still fighting for land. The real world is full of injustice, inequality and deprivation. Birsdall (1998) argues that life is unfair because there is too much inequality in the world. Birsdall says that understanding the causes of inequality can help us determine what can be done about it and what might actually make it worse. Birsdall mentioned three causes of inequality across and within countries: the poor's rational decisions, prosperity, and bad economic policy. Are these not some of the assumptions of W. Europe and America that sparked the debate about Kenya?

Consider the following example on how prosperity can produce inequality:

Similarly, well connected individuals in emerging markets who had previously profited from cheap credit, subsidized prices for hard foreign currency, or government regulatory exceptions (say, on the use of urban land) benefited again, as economic reforms raised the market value of assets that they had been able to acquire at low cost (Birsdall *ibid.* p83).

Kenya is a prime example in sub-Saharan Africa. Lucas (1997 op cit. p90) also said that

[i]n Africa, business associations can become arenas within which communal rivalries are played out. In multiethnic associations (such as chambers of commerce) the ethnic composition of the leadership is a politically contentious issue. Other associations are used by specific ethnic groups to build themselves up in relation to their rivals, a classic example being Kenya's Gikuyu, Embu and Meru Association (GEMA), which fought for the economic advancement of those groups until it was banned in 1982

What can Kenya learn from the West in this regard? In other words, what do women of Kenya want?

### **6.2.2 What Women of Kenya Want: Equality, Development and Peace**

Is there a way in which social policy can, for example, help landless Kenyan mothers and their children achieve equality, development and peace? For the sake of argument, let us make three assumptions. First, that Kenya decides to implement a gender sensitive welfare system based on the concept of equality, development and peace. Second, that a delegation from Kenya is sent to the West to learn something about welfare. Third, that the delegation happens to visit the USA, the UK, the Netherlands, and Sweden.

The delegation will, hopefully, be aware that even in the West itself, the welfare state is in crisis and various kinds of restructuring and retrenchment are underway. The USA is characterised as having supposedly gender neutral reforms but has continued differentiation in social security benefits (Sainsbury 1996). The British strategy, like



the US approach has consisted of gender neutral reforms and efforts to end formal discrimination' (ibid. p179).

Dutch women's entitlements to social benefits have undergone far-reaching change since early 1970s. However, the male bread winner model has been less susceptible to change. The 1984 tax reform was not a complete break with the model. A sole earner's allowance was introduced, and any unused portion of the wife's allowance was transferable to the husband (ibid. p189).

Furthermore,

[t]he core of Swedish reforms has consisted of individualization, accompanied by phasing out of women's entitlements as wives and gender reconstruction measures promoting shared family roles (ibid. p190).

Most important to Kenya is that the current British (Labour) Government is taking action on social security in Britain. Although Kenya can still learn something useful from the experience of the USA, the Netherlands and Sweden, Britain is currently in the best position to advise Kenya on how to organise landless citizens. Kenyans will learn that social policy is nationally distinctive, and that organising landless Kenyans is the only way to meet Kenya's underlying problem, i.e., **social irresponsibility** of the Government. This is what women of Kenya want, and not just parochial politics of greed at the expense of public need. Let me have another look at what women of Kenya want.

I want to explain this position by describing three of my experiences as an observer. I will discuss the role of the UN women's conferences, especially the last two conferences in 1985 and 1995 and their effect on gender equality in Kenya, the role of NGOs in Kenya and then make a brief comparison of prospects for gender policy in Kenya and Belize, Central America. I will give one more example that could create the needed awareness among women of Kenya.

#### **6.2.2.1 Status of Women in Kenya: How Did the UN Conferences Help?**

The fact that the international community went ahead and convened four world conferences for women is noteworthy. What is curious is that Kenya was a host to one of the conferences that took place in Nairobi from 15th. to 29th July 1985<sup>2</sup>. First, the theme of that Conference was Equality, Development and Peace. Second, a very important report that came out of that Conference was called the Nairobi Forward Looking Strategies for the Advancement of Women.

In this report, the international community asked all necessary questions, and made all recommendations and proposals for Governments to implement. Many themes were covered in the report, although the major ones were Health, Education, Employment and Agriculture. One subsequent question might be posed to the women of Kenya. During ten years from Nairobi in 1985 to Beijing in 1995, can one cite any recommendation in this document that was openly and explicitly implemented by the

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<sup>2</sup>Here I am talking from my personal experience. I was seconded to the National Coordinating Committee that was in charge of preparations for the conference. I was working with a group whose duty was to collect statistics, write seminar papers, official reports, statistical booklets, brochures, etc.

Kenya Government for Kenyans' welfare? Why could Kenya successfully hold the conference and then fail to honour any of its recommendations?

The Fourth UN Conference was held in Beijing ten years later in September 1995. The theme was Action on Equality Development and Peace. At this conference no serious attempt was made to explain why so little progress had been made. What is important about this Conference is that not only Kenya, but America, the Vatican and other world powers were on the war path with women. Reflections on the Conference by Hershatter (1996 p368) indicate that the US mainstream media, for some reason, portrayed the Conference as a disaster, and China as the nemesis of capitalist democracy. To make matters worse, three main arguments emerged about the language of the final document on the status of women (ibid. p373-4). The first argument was whether to include the language about 'sexual orientation'. The second argument was whether to use the word 'gender' or the word 'sex'. 'The Vatican and other religious groups wanted to use the word 'sex' because gender to them implied support for homosexuality, a connection not obvious to other participants in the debate' (p374). But it may just be a matter of language. 'Arabic does not have an equivalent word for gender; it [is] translated in...Arabic...as "type of sex"' (The *Guardian* Wed. July 15th. 1998). A third argument concerned the use of the terms 'equity' versus 'equality'. America preferred the word 'equity' because it had been used in the fight for comparable pay for female dominated jobs. To other interest groups, such as the Vatican equity was preferable because it implied 'separate but equal'. 'Equality', for some people implied breaking down those spheres. However, it

was finally agreed to use the word 'gender' and 'equality'; which showed most representatives of women across the world know what they want. Another question is whether the Third World countries, whose attendance at the conference was underwritten by the North, could argue with America on the question of equity and equality.

Another issue before the Platform for Action that was in dispute concerned the equal rights of women to inheritance (Maran 1996).

The Islamists' argument against "equality" was framed in terms of considering equality of inheritance rights of women as contradictory to principles inscribed in the *Koran*, which according to Islamists' interpretation, requires male inheritors to care for women relatives. Men are therefore, by principles of equity, entitled to an inheritance amounting to twice that of women (ibid. p357).

Once more, the majority of representatives of women knew what they wanted. The term "equality" rather than "equity" held sway in the Platform for Action (PFA) which stated, in paragraph 274 [d] that among actions to be taken by Governments was to

[e]liminate the injustice and obstacles in relation to inheritance faced by the girl child so that all children may enjoy their rights without discrimination, by, inter alia, enacting, as appropriate, and enforcing legislation that guarantees equal right to succession and ensures equal right to inherit, regardless of sex of the child (ibid. p357)

This means that despite some opposition by governments and pressure groups with different beliefs and agenda, the women's conferences succeeded in securing



agreement on a common objective. What about these pressure groups? This question has to be answered now.

#### **6.2.2.2 Can NGOs Deliver what Kenyan Women Want?**

We must not forget that when women delegates left the UN Women's Conferences, they went back to their families or husbands and/or to their governments or states. The same UN member governments are the ones that will be requested to implement the recommendations of these UN Conferences. On the other hand, does Kenya have as much power as America to discredit or ignore UN Conference resolutions? This is a test for the current international concern for international poverty and gender equality.

'Whether they are seen as a progressive arm of an irresistible march toward liberal democracy that marks "the end of history", an extension of the push towards privatisation, or a means to resist the imposition of Western values, knowledge and development regimes depends on the perspective and agenda of the imaginer' (Fisher 1997 p442). Post cold war imaginative NGOs are pressurising Third World Governments into taking action on poverty or gender equality, I agree. But it also seems to me that NGOs are hydra-headed and anathema to Third World governments.

They are changing societal norms and challenging national governments, and linking up with counterparts in powerful transnational alliances, ... muscling their way into areas of high politics, such as arms control, banking and trade, that were previously dominated by the state (Simmons 1998 p84).

Post Cold War NGOs' involvement in matters of policy in the Third World policy is questionable. Hearn (1998) argues that the current 'NGO-isation' of Kenyan society could be considered as another aspect of the new scramble for Kenya, this time by NGO's involvement in Kenya's development and the scramble of official AID agencies to find, finance and work with NGOs. One example in which NGOs have failed the women of Kenya is in their relationship with the Women's Bureau.

Going by six years experience in the Women's Bureau, Kenya is a good example of a country where women's advancement of life chances is still *officially* hindered by men. Created in 1976 after the Declaration of the Women's Year, the Womens' Bureau is typical of the

structures that have been associated by poor allocation of human and financial resources as well as by marginalization. This situation is inherent in the nature of the origin, the social context and the lack of genuine gender awareness in policy design, and it is an indication that, unless there is a structural change in the awareness and commitment of decision-makers at home and a structural change at the world level, the gender gap will not be closed (Assie-Lumumba 1996 p11).

A year's observation of the status of women in the Department of Women's Affairs, Belize, 1992-93, gave me a more worthwhile story. In Belize, women are more independent, and aware. While the majority of women in Kenya are locked up in rural poverty and don't even know about the existence of their Bureau, women in Belize are participants in various projects organised by their Department. While women in Kenya are marginalised by their own Bureau, women in Belize are mobilised by their Department. Women of Kenya desperately need to discard parochial politics, mobilise

themselves and demand a central role in policy that determines equality development and peace in Kenya.

The struggle for women's empowerment and rights in Africa as elsewhere in the Third World has been an uphill battle against patriarchy, poverty, and autocracy, including NGO chauvinism (Nzomo 1994). Steve Biko said; 'change the way people think, and things will never be the same' (Fisher (1997 op. cit. p457). My argument is that sovereign governments should **not** need prodding by Western NGOs or the United Nations so as to give their own citizens a chance to improve their lives or to take responsibility for the welfare of their citizens. Like women of Scotland, Ireland and Wales (Breitenbach et al 1998) women of Kenya should take action about their marginalisation. They should no longer live in a patriarchal, dependent colony of men, under a government which is a *victim* as well as a *manager* of colonial settler patriarchy. Only women can deliver the kind of future that Kenya is currently yearning for because '[w]omen, however, are less likely than men to see force as a legitimate tool for resolving conflicts' (Fakuyama 1998 p35).

What appears problematic is the lack of evidence to show that the majority of Kenyan women know who their enemy is. Another problem is that the bourgeois feminists are least concerned with the status of the landless poor women in rural areas. They resemble liberal democracy and market economies that work well because, unlike socialism, radical feminism, and other utopian schemes, they do not try to change



human nature (ibid. p40). In relation to management of consolidated rural land, Kenya can also learn from Japan.

In 1901, the law on cultivated land consolidation was established in Japan, to enable owners of agricultural land to organise co-operatives for the consolidation of their lands, but the feudal landlords hampered the progress (Zhou 1997 p4). In Japan (as in Kenya), land consolidation could turn farms from fragmented to compact, enlarge parcel size, and make sale, lease, access, and other forms of joint use of land physically easier, but it did not enlarge the farm size. Neither did it ensure efficient use of the consolidated land by the full time farmers or absentee landlords (ibid.). As a result of lack of land policy, consolidated land is still lying fallow in rural Kenya, despite acute landlessness.

Kenya desperately needs to successfully manage the physical effects of land consolidation. Fragmented small farms could be efficient in a low wage economy since they are conducive to development and diffusion of land saving and scale-neutral technology, dispersion of natural risks, and economies of scope. But high wage economies, such as the settler farms in Kenya, hamper the achievement of economies of scale, waste resources of land, labour and capital management and technology. Thus the *critical issue* in Kenya was how to effectively consolidate and enlarge the fragmented small farms in order to avoid landlessness (ibid.). At the level of a district, like Siaya, it is a question of how to live with landlessness-as-poverty.



This responsibility lies with Siaya County Council (SCC). We had seen that all land in Siaya is held in trust by the Council. Since a Ministry of Lands and Settlement exists in Kenya, it is difficult to understand the extent of trusteeship of Local Authorities. However, there are three factors that could do good for Siaya women and help them in their struggle against landlessness-as-poverty.

### **6.3 POVERTY IN SIAYA DISTRICT: WHO WILL DO GOOD?**

First, the one who will do good is s/he who will help Siaya people to help themselves, to be self reliant, to free themselves from valuelessness, and to live as equal human beings. S/he is the one who will understand what Whitaker (1964 p19) meant by saying that

some people are “slaves by nature”; no political or legal freedom will make any difference to them if they are not prepared to do something about it for themselves, by taking on the responsibilities that fall to every man.

How then does a ‘natural slave’ conceive a possibility of escaping from her/his condition of dependency? Have Kenyans realised that they have fallen into that condition? Should they not at least be made aware of their status? Nobody can become free without taking action to free him/herself. Are Siaya people also the same?

If I seem to be labouring the point about underdeveloping Siaya District, it is because the point cannot be over-emphasised. My argument is that Siaya people were forced

into this culture of dependency by colonial and neo-colonial social engineering. There are at least three reasons for saying so. If the Kenya government is itself a dependency, how can Siaya District, which is just a district in Kenya, be 'independent'?

Any comparisons made with development studies in Kenya in the 1960s and 1970s underline the features of underdevelopment and dependency today. For example, Chapter 4 showed that the administration, through the DCs, provides local agents of the government and not partners in the development or welfare of any Kenyan. Their duty is to maintain the dual economic *status quo* that is only benefiting the local landowners.

### **6.3.1 Is Social Development Possible in Siaya District?**

No society in Africa should give up the struggle to free itself from dependency and deprivation. 'What is required [of African societies] is a 'principle of charity' which tells us that more likely than not, other people are right (rationally justified) in the majority of their beliefs, and therefore that we have no choice but to interpret their utterances - or construe their scientific theories - in accordance with the best going standards of truth in our (presumably their) communities' (Norris 1997 p133). This principle also supports a decentralised community environment where planning for the future is in the hands of individuals and families because, 'there is no reason to

believe that planners, lacking perfect foresight, will be more successful at forecasting the future than ordinary mortals' (Lal 1997 p74).

We should not forget that truth is relative, as it is constructed and therefore is whatever we make of it (Norris 1997 op cit.). We should also not forget that the limit of one's language means the limit of her/his world (ibid.). You cannot manage in a world where planning is done in a language which is outside your world. Another factor to consider is that 'communication' about facts in the world is influenced by the nature of the world in which we move' (Kratochwil 1988 p272). All women of Siaya need is to be guided by a social development process that speaks their language. One example that shows how women of Siaya District are being socially underdeveloped should be discussed.

### **6.3.2. Religion and Status of Women in Siaya District**

The worst scenario of women's underdevelopment in Kenya is in Siaya. In chapter 1, I talked of Nairobi people shouting, Jesus, God! God! Saviour! The problems of religious affiliations have become as contagious as the current NGO-isation of the Kenyan society. In 1994, for example, out of 185 hospitals in Kenya, 62 or 33.5% belonged to missions, particularly the Catholic Church, the Protestant Church and the American Presbyterian Church of East Africa. Religion is a major factor of underdevelopment in Siaya (Hearn 1998).



This is because the aim of imported religious institutions is to change a person's identity (Toulis 1997) and identity with religion can become stronger than identity with ethnic group. See Figure 6-1, borrowed from Toulis (p204).

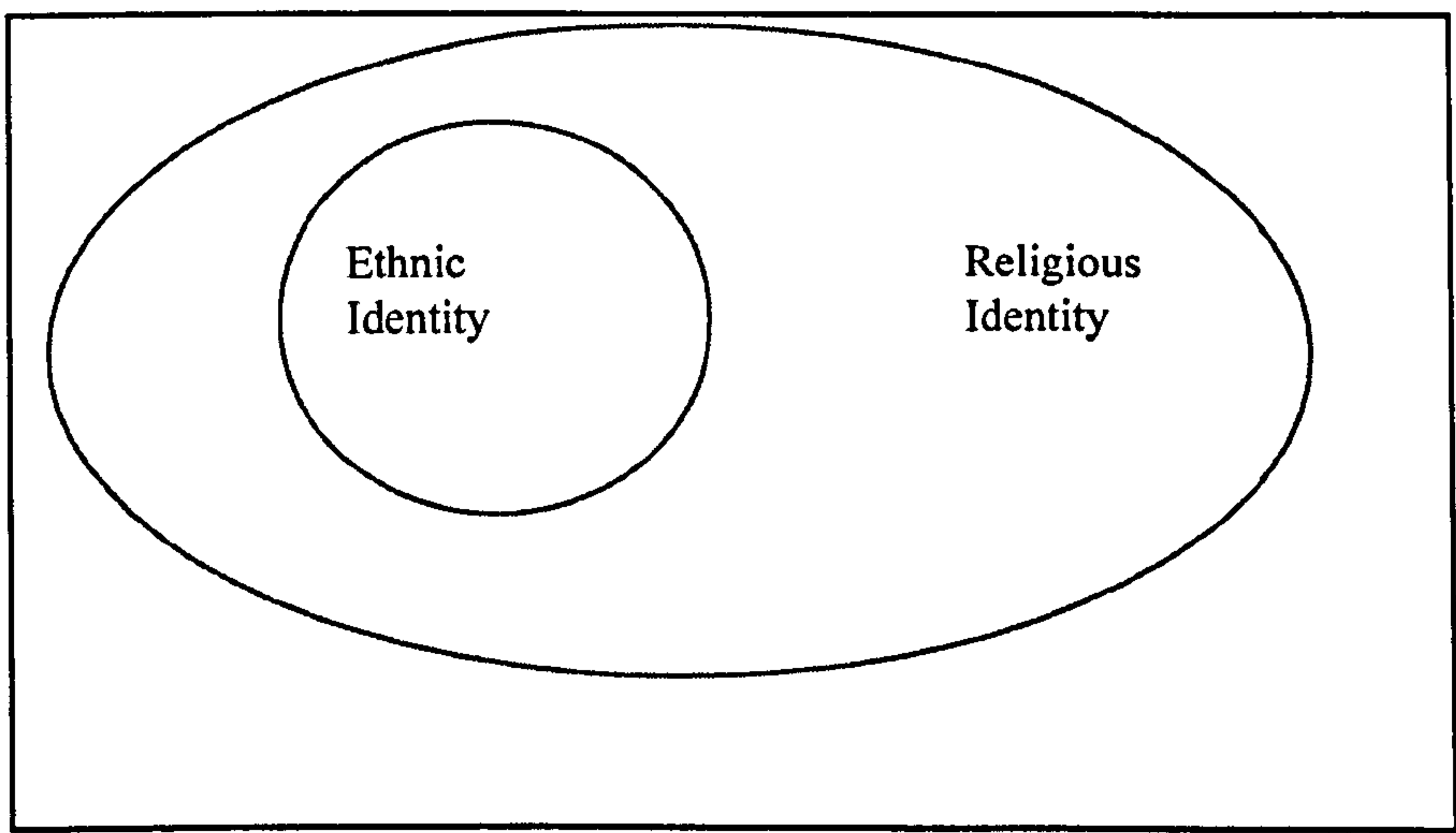


Fig. 6-1 Religious Identity Transcends Ethnic Identity

Denominations such as Legio Maria Church (that broke away from the Roman Catholic Church) have changed people's identity in Siaya and made its followers accept their condemnation to landlessness-as-poverty. The gender aspect here is that the male church leaders blame the situation on ethnic customs and traditions although the point is that their exploitative relations with their mainly female followers is the



cause of this poverty. Feminine poverty cannot be eradicated in Siaya unless Legio Maria is eradicated first.

Issues that are 'closest' to individual's lives, such as divorce, extra marital pregnancies, smoking and drugs that are found in America, (Reichley 1986) are also found in Siaya District. The pregnancy situation in Siaya compares very well with that of the United States. Thomas (1998 p419) argued that

[to] be a woman, poor and fertile, in the United States in the 1990s *is to be blamed by politicians and social reformers for an increase in poverty and alleged immorality in society*. Poor women, it is said or implied, are bearing children for the purpose of obtaining or supplementing a welfare cheque. They are sexually out of control and are the cause of their own poverty (my emphasis).

Why did I compare Siaya and US? Because poor women in the whole world get blamed for their fertility. But if we focus on Siaya, a big difference emerges. How would it be for a woman, poor and single in the poorest district of a poor country where there is no welfare cheque to be fertile? Would she not go where she could get some assistance of sorts? No wonder, Canadian and American based denominations such as pentecostalism (Reichley 1986 op cit.) are now spreading all over Siaya district.

Another aspect of women's underdevelopment in Siaya is church politics. This is different from denominational poverty of Legio Maria, for example. The involvement of the Churches in 'opposition politics' in Kenya, through their National Council of

Churches of Kenya, is well known (Sagar-Friedman 1997). The role of Churches in opposition politics in Kenya can only be seen as undue imposition that can only result in confusing Kenyans. This is because these Churches do not have their origin in Kenya and they are also not democratic themselves. The fact is that opposition politics in Kenya was originally associated with Oginga Odinga and the formation of the Kenya People's Union in 1967, and therefore with Siaya District. We know that multiparty politics in Kenya, (KADU and KANU) started because of the land issue. What is emerging in Kenya now is that 'indigenous' denominations such as the African Inland Church and the Legio Maria Church have been strong defenders of the KANU government (ibid.). But a closer look could tell where the hearts of these denominations lie. Legio Maria has its origins in the Catholic Church in Nyanza Province (Onyango 1998). Further still, Mumbism, an African indigenous church, that was opposed to European religions was started in Alego, Siaya in 1907 (Ogot 1963 op cit.). Therefore involvement of indigenous churches in Kenyan politics also started from Siaya.

But could religion be the only solace for the *excluded* individuals, such as the widows, the disabled, the aged, the widowers, the orphans, the bastards, the divorced, etc., who need the basic necessities of life in Siaya? That may be true, despite the fact that a *family* is still the first group a human being belongs to. An ordinary individual must necessarily move *from* family to religion, back to family, or home to Church and back to home. But who will provide the bread at home? There is one disturbing factor here with specific reference to Siaya.



The 1989 Population census found that Siaya District had the highest mean age for household head by district of 41.7 years, followed by Kitui with the mean of 40.8 years (Republic of Kenya 1996(c) p21). Kiambu District had the lowest, 34.0 apart from urban districts like Mombasa with 32.6 and Nairobi with 32.1. The average for Kenya was 36.5 years. This means that the average individual breadwinner in Siaya is older than any rural district in Kenya; which implies that the only way for Siaya people to get a sympathetic ear is to go to Church. If we take note that 'Islam is on a steady resurgence [in East Africa] taking advantage of its simple hierarchy unlike Christianity where senior members of the church reign supreme'(Schonecke 1996 p1), we would wonder whether Islamic egalitarianism could replace Christian hierarchy in Africa.

So we are back to history and are examining the roles played by Islam and Christianity in underdeveloping Africa, especially since the time of David Livingstone to the present. In Kenya, there were many violent clashes between colonialists and African religious sects, such as the Kikuyu 'Dini ya Yesu Kristo' in 1947, and 'Dini ya Msambwa' in North Nyanza in 1948 and the Kolloa in Baringo District in 1950 (Berman 1990 p335). With all these unfinished businesses of religion in Africa, should Africa come up with their own home grown religion? 'Did you know that it was the papal bull signed by Pope Alexander X1 in 1498 which kicked off mass enslavement of Black peoples'? asks Prof. Osaga Odak (Nairobi, Weekly Review

Sept. 6th.1996 p32). I agree with Prof. Odak that 'Black people are thoroughly disunited by the many foreign religions competing for their souls'(ibid.).

In brief, religion and the status of women in Siaya is an ethical but also a fundamentally 'structural' issue that must be addressed by the government of Kenya. I hope the government knows that its duty is to be on top of social policy and to be able to guide such religions and NGOs that tend to exercise governmental duties in important sectors like health and education. I have shown the various ways in which landlessness-as-poverty is affecting every aspect of individual life in Siaya. It is really difficult to do good in a situation where nobody is being mindful of other people's welfare. Who will restore hope to the individual, the family and the state in Siaya as a locality, Kenya and Africa in general? This is fundamentally a question of eradicating imposed landlessness-as-poverty, gender inequality and social exclusion. But this is also a question that best describes the postcolonial Luo economy and society. What should be done?

#### **6.4 LANDLESSNESS-AS-POVERTY IN SIAYA: TIME FOR ACTION IS NOW.**

The UN has declared 1997-2006 as the Decade for the Eradication of Poverty. Eradicating poverty is an ethical, social, political and economic imperative of mankind (Nairobi, Daily Nation 18th Oct. 1997). The UK DfID has also decided to eradicate Third World poverty by 2015. With the current will of Britain, Kenya's



colonial boss that *Omera*<sup>3</sup> served so well, the UN and the international community, poverty can be eradicated from *omeraland*, from Kenya and from Africa. First of all, this thesis had proved that *Omera* is by nature egalitarian, a democrat, a believer in social justice, equality development and peace. Furthermore, *Omera* is transnational and diasporic. Secondly, Africans have to resolve the tensions arising from their own centre-periphery relations. This thesis has also shown that state formation in Kenya was shaped by a combination of factors that were designed to uproot indigenous Kenyans from their land. Beware that 'if the history of European state formation and nationalism is any guide, a true global society and a new consciousness may be far in the future' (Gilpin 1981 p223).

This is a fundamental test for Africa's long term stability. Africans should not forget that

[s]ince independence, as before it, Africa has remained subject to the crises experienced or generated by the Western world; the cold war, the rise in the price of oil, the fall in commodity prices, Aids. By the 1970s, the combined effect of these crises and the lack of interest shown by the ex-colonial powers in resolving them, have led to the virtual collapse of Africa's economic relations with the industrial world. Mineral and agricultural products fell by two-thirds; the burden of the debt grew. The World Bank abandoned its high modernist assumption that African agricultural production is so inefficient that technical intervention in it was bound to be vastly profitable. Instead it demanded that the state cut back its machinery (Ranger 1998 p274-5).

The end of Africa's lost century will never see anything like African socialism. European imperial rivalry is still fighting for African land and souls through the forces of social contestation, green imperialism, NGOs and Churches. Currently, the

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<sup>3</sup>'omera' is a Luo word for 'brother' or 'comrade'. Some people call Luos 'omeras'

problem, especially for Kenyans, is that these forces are also rent seekers and land grabbers in their own way. They will not advise the people of Kenya (both at the centre and the periphery) on how to live with landlessness and valuelessness. It is for ordinary Kenyans to realise that this is wrong political economy.

This argument needs some illustration. According to Dryzek (1999 p44)

political thinkers used to think about democracy solely in terms of the ideal of a self governing community within precise territorial boundaries (many of them still do). Extending this idea of democracy to the international system has always been quite hard. But this extension is made easier by the degree to which recent thinking argues that the essence of democratic legitimacy is to be found not in voting or representation of persons or interests, but rather in deliberation. In this light, an outcome is deliberate to the extent its production has involved authentic deliberation on the part of the people subjected to it. Thus deliberation or communication is the central feature of democracy. Such a discursive or communicative model of democracy is particularly conducive to international society because, unlike older models of democracy, it can downplay the problem of boundaries.

In the way that Europe is currently doing, Africa can also only develop as a sum of its parts. But

[i]n order to understand the whole as sum of its parts, we need to steep ourselves in the history of that people. We need to enter their imagination, their spirit in order to recapture and retrace the lineage of their communal development. The apotheosis of their national evolution is their political development as an authentic national community. It is a community based on will, not force (Williams 1993 op. cit. p6-7).

We are therefore bound to revisit Plato's thesis of sexual egalitarianism and human equality and come out with a conceptualisation of a multi-centric world that is based on the principle of co-existence among individuals, states, corporations, ethnic groups, churches, etc. (Rosenau 1990). This is what puts the periphery at the centre of



social development and also puts Siaya at the centre of Africa as far as rural structural poverty is concerned.

The Luo people, as Kenyans and also Africans must be saved from structural poverty. We had seen that the Luo had developed their own personality and social development until they were forcefully disrupted by colonial Britain. We had also seen how the Luo played their part in the two World Wars, how they became tenants of the Crown.

#### **6.4.3 Action on Poverty and Landlessness in Siaya.**

A realist must be able to think global and act local. We all know that the deep roots of poverty lie in depriving the poor of their land, their homes and their jobs. I have said that the remedy lies with the people reclaiming the power and dignity that should never have been taken away from them in the first place. Further, the deep roots of poverty are not different from the deep roots of the larger economy. Local communities know very well that powerful national and international capitalist interests are ranged against them. The poorest, most oppressed communities are often also the most outward looking, because they have no choice (The New Internationalist, No. 296 Nov. 1997 p10). There are two serious issues involved here.

First, the problem we are dealing with is that of managing a three way transnational relationships. It concerns the relationship between Siaya (society) and Kenya (state),

and the relationship between Kenya and the West (international community). I maintain that Siaya people should not allow themselves to be bottled up by the state that is suffering from slavery-by-nature syndrome. They must look the international community in the eye and ask for their right to equality, development and peace.

Second, the role of Europe in creating the current human problems in Africa cannot be forgotten. In this respect, I must quote the Encyclopaedia of Africa South of the Sahara (1997 Vol. 2 p495).

At the end of the twentieth century, Africa is experiencing a crisis that has economic, cultural, political, and moral dimensions.

In such a context, the question of land tenure moves increasingly to the fore. Land tenure is behind the ethnic and tribal conflicts which has bloodied so many countries - Rwanda, Liberia, and Somalia, for example. It is also part of what is at stake in the pacification of South Africa as it emerges from apartheid. Land tenure remains an ongoing issue in Zimbabwe despite the Lancaster House agreements of 1980 guaranteeing the rights of the white minority. It is equally important in Mauritania, where it was the cause of a conflict with neighbouring Senegal in 1989. Finally, it remains potentially explosive in other countries from Cote d'Ivoire to Uganda, including Niger, Chad, Nigeria and Ghana. In fact the list could include every country in sub-Saharan Africa.

Africans have to reject economics of underdevelopment since African land belongs to Africans. This is the *first* point to understand in order to develop a historical and viable land based policy action that can eradicate poverty in Africa. I also agree with Amin (1997 p103) that

[h]istory is not shaped by infallible laws of pure economics, as believed by some university professors. It is the product of social reactions to the effects of these laws, which in turn define the social relations of the framework within which economic laws operate.



Action on land policy in Africa must reject what is termed “the fundamental concept of resources” supported by those who argue that

[r]esources are not things or stuff or materials; they are a set of capabilities. These capabilities use the stuff of the material and non-material universe in a life sustaining manner. These capabilities define a functional relationship that we call resources (De Gregori 1988).

I have proved that Siaya people as Africans, are aware of their situation with respect to the powerful national and international capitalist interests. In human terms, Siaya can be seen as the centre of rural poverty in Africa. All Siaya people (Africans) need is deliberative empowerment to discard redundant traditions and customs, restore mutual trust and end conflicts arising from land and boundaries, perceive land as their common asset and maximize communal, national and international benefits from their social and economic development.

Since the Luo people initially settled in the present Alego Location of Siaya District. Alego is therefore the centre of Luo history in Africa and the diaspora. Land policy action to develop Siaya District must initially focus on Alego in Siaya and then spread to the rest of Africa. It must be deliberative and must involve mutual negotiation, information, communication and education of the stakeholders as a process of trust building and social development. It is therefore akin to focal point planning.

Focal point planning is a term used ... to describe a system of planning which ensures that by means of appropriate institutions and procedures, all pertinent issues and problems in a proposed development are discussed and resolved in a consensual framework (Marsh and Brower 1987 p69).

The first and most logical result of this development focus is the process of replicating focus planning in other parts of rural Africa. This is because structural poverty will not be eradicated from rural Africa without extra focus to ensure equality and empowerment. Equality is always the goal and empowerment is the way. The formation of solidarity for poverty eradication in Africa rural (SPEAR) is highly overdue. SPEAR will be a society of internationalists, i.e., those who are ready to act local and think global. It will bring together expertise from the people (civil society), the academic community, the donors, the industry, the NGOs and the local authorities.

In the case of Siaya, the people will constitute representatives of welfare societies, different participatory clans, women groups and local civic bodies. The government will be represented by Siaya County Council, while the industry will be represented by elected members of the local chamber of commerce and industry. The academic community will represent teachers and students from local schools, local Universities as well as the Centre for International Research on Poverty, University of Bristol.

#### **6.4.2 Action on Poverty in Kenya.**

It is also important for Kenyans, in particular, to note that land is a fundamental problem which requires a new approach and a new consciousness. I have shown the connection between the land problem in Kenya, South Africa and Zimbabwe. I had also discussed the land question in East Africa. Since Kenya is in East Africa, realism demands that any action on land in Kenya must take history into account.

Kenyans have been cheated by so called 'economic development' for too long. What Kenya needs is to be inward-looking and focus on social issues affecting her people. A permanent body in charge of social development, for example, a National Council for Social Development (NCSD) is urgently required. DfID and other donors could help Kenya with initial expertise to set it up. Kenyan Universities should also start appropriate courses on poverty and social policy. This will create the necessary awareness for public responsibility to the needs of the citizens, as well as the citizen's own role in public life. This will also produce the necessary graduates qualified in all aspects and areas of poverty and policy that are currently badly missing in all sectors, rural, urban, public and private.

To the critics and the unconvinced, I must say that '[w]e will never know unless we try to find out. And so far we haven't tried because our rational, scientific culture regards ... traditions as "unhistorical"' (Hancock 1995 p517). Africans must be realistic and create their history.

## **6.5 CONCLUSION**

This chapter has stated the need and the action necessary to deal with underdevelopment caused by land consolidation in rural Kenya. It has discussed the origin of land policy in Kenya, what Kenyans inherited, and what is responsible for the current inability to take policy action to eradicate poverty in Kenya. It is



incrementalism and rationalism that has blinded the Kenyans to realism, pragmatism and courage which are necessary for effecting change.

The main argument is that equality is sacrosanct since all human beings are born equal, irrespective of sex, race or ethnic group. Development must be for all, and peace in the family, the clan, the country and in Africa; an enabling political environment that facilitates active citizenship, self reliance and individual economic empowerment. We all know that women do not live in a world of their own and therefore any development initiative that targets women alone cannot succeed. Development initiatives have to aim at the individual in the natural context, i.e., the family, the community, or the society.

The difficulty of effecting change in this situation comes from the fact that we are operating under a system that is itself a complete dependency. This difficulty can only be overcome if the donor community interacts directly with the society (Siaya). In a broader context, the West also needs to agree that Africans will not become self reliant and also contribute to world development if it is kept in a perpetually subservient position because of land. The main reason why there is no peace in Africa, or why the Kenyan valley is no longer happy, or why Siaya is the poorest district in the Kenyan periphery is *land*.



The individual, the family and the state must be empowered so as to eradicate poverty in Siaya, Kenya and Africa. I have proposed an action plan that can help all and which depends on committed action by all who wish well for Africans. It will be the only way of giving some hope to the children and healing the bad memories of the aged in Siaya. It will also be a sign of the very necessary respect (by the West) for the need for social development based on gender equality and tradition in Africa.

## **Chapter 7**

### **LAND CONSOLIDATION AND STATUS OF WOMEN AND MEN IN SIAYA: SUMMARY AND CONCLUSIONS**

This thesis has tried to answer one question: *How did land consolidation affect the status of women and men in Siaya District of Kenya?* It found that land consolidation has adversely affected the status of women and men in Siaya. It has made Siaya women valueless and Siaya men landless. The thesis has also shown that land in Siaya is a part of the land issue in Kenya and in Africa. The land issue in Siaya is therefore not only a local problem, but it is also national and multinational.

This last chapter is divided into three sections. Section 1 is a summary of the main arguments. Section 2 presents the major findings and conclusions as well as contributions to theory and knowledge. Section 3 contains policy issues that have arisen including recommendations for action.

#### **7.1 SUMMARY OF MAIN ARGUMENTS**

The most effective way of explaining the effect of land consolidation on the status of women and men in Siaya District is through the use of historical and theoretical evidence. Historically, land consolidation took place in a particular place from a

particular time in the past. There is a clear and specific historical path that was taken by a specific policy action of a particular European colonial power on a particular African society. Had *Kenya* not been colonised at all, the story of land and gender in Siaya would not be the same.

### 7.1.1 History and Land Consolidation in Siaya

This thesis is about a social process that took place in the life of a *society* (Africans, Kenyans and the Luo people) through *time* (the twentieth century) and in *place* (Africa, Kenya and Siaya District). We have to understand first that the precolonial society was characterised by traditional life of various African ethnic groups. I have shown that the Luo people were traditionally egalitarian and conducted their affairs in the open. Second, that Kenyans did not need to be colonised for land reform to take place. Land reform was always going on as a natural aspect of human life. Land consolidation or adjudication was an **unnecessary imposition** by colonial authority in order to render Kenyans landless and poor, cheap labour. State formation in what became Kenya was effected by means of five factors: force (violence), religion (Christianity), indirect rule (colonial governance or administration), colonial or state law and language. The forceful and dictatorial nature of the present government of Kenya (public administration) is an inheritance of the structures and institutions from colonialism. Furthermore, the persistence and prevalence of religious cults (such as Legio Maria) on top of the main colonial churches (Catholic and Protestant) are reminiscent of former cults of resistance such as Mumboism (which originated from Alego in Siaya).



Colonialism was characterised by many social upheavals for indigenous Kenyans. First, *European settlers* were encouraged to come to Kenya to take the most rich and productive land for themselves. Second, Kenyans were forced to fight in the *First World War*, and really suffered from it. There was a clear and very substantial contribution of the Luo people to this war. This is a contribution that cannot be denied and should not be forgotten. Third, there was forced male *labour migration* from rural areas to European plantations and urban areas. Again, the Luo of Kenya played a major role in providing the initial labour force in Uganda, and later in Kenya. Fourth, the Luo people also fought in the *Second World War* along with other Kenyans. A particular case was presented in Chapter 4 of a World War 2 veteran that I interviewed in Siaya. What did they or their wives and families gain from the War? Fifth, *dissent* and reaction of Kenyans against half a century of colonial oppression and dispossession led to the Mau Mau uprising in the Central Highlands. Mau Mau could be the apex of armed resistance in Kenya - because both sides mainly fought with the gun - but it was not the beginning. The British sent military operations to quell resistances from various ethnic groups as early as 1893. These ethnic groups were mainly protesting against Europeans imposing themselves on their land.

Mau Mau gave the colonial government a chance to impose *land consolidation* as a punishment to all tribes in Kenya, beginning with the Kikuyus. I have argued that land consolidation was not meant for the development of African agriculture, but for a permanent disruption of the traditional life of the native Kenyans in order to make



them become tenants of the crown (squatters) and a permanent source of cheap labour. This provides one explanation why the British refused to interpenetrate with native Kenyans for the mutual benefit of both parties.

The formation of the colonial nation-state of Kenya assumed that native Kenyans did not have any sense of law and order. That is why English and Indian laws were imposed in Kenya. That was also the origin of *indirect rule* as well as all kinds of dualisms that plague Kenya up to now. Other examples are Kenyan laws (customary and state laws) and the Kenyan economy (formal and informal sectors) societies (urban and rural) and agriculture (commercial and subsistence). The focus of this thesis, Siaya, is still characterised by customary laws, informal sector, rural society, and subsistence agriculture.

### **7.1.2 Theory and Land Consolidation in Siaya**

It was hard to find a theoretical justification for the need for land consolidation in Siaya District. Although I knew that theory could not be value neutral, I tried to side with realism throughout the thesis. I argued that differentials in the status of women and men was mainly a question of class. Two problems with class are that it tends to persist and it inflicts sufferings on innocent people. Even if the Luo people of Siaya decide to allow girls to inherit land the same as boys, men will still have a head-start advantage, since they had already inherited the advantage in the past. The class differentials that ensued during land consolidation will not therefore be reversed overnight. Secondly, the children of landless people in Siaya will not have land,

irrespective of sex. How far back do we then go in trying to correct these past injustices? What statistics do we use to understand historical injustices? That is how land consolidation *caused* the differential status of women and men in Siaya.

Another issue of theoretical debate here is gender. My argument is that gender, like economics, is another wooden tool imported from the west to underdevelop Africa. If Western feminism is supposed to fight injustice and inequality against women, as human beings, that deserves salutation. But doesn't feminism which assumes that white women are more equal than black women also breed inequality? I know that white women cannot leave behind their 'whiteness' when, say, going to Africa. But other women also cannot leave their 'colour' behind when going to Europe or North America. Is there any theoretical justification for indigenous African women being generally synonymous with poverty and exclusion even in their motherland, while white women never feel the same anywhere in the world? This sets up the paradox that some African bourgeois feminists eat with the enemy while pretending to be struggling on behalf of their poor sisters. But they are also slaves by nature to an imperial system that encourages 'coloured' or poor women to be dependent, sterilised or to family plan while encouraging 'white' or rich women to be independent, strong and achievers.

Much social theory encourages the African man and/or woman to carry his/her own burden and liberate themselves as European men and women had to do. That can be agreed. But Africans should also be clear that human inequality that is rationalised by



Western feminism and backed by imperial masculinity has failed and will continue to fail. The reality is that all people (not only Africans) need to start from their motherlands where they are stakeholders, and among their families in equality, development and peace. It is initially from the motherland that international or multinational citizenship and equality for all human beings can be justified.

Equality, in this thesis, is the connecting factor between rationalism and realism. It is worth repeating that Kenyans must also understand that their country will only become their motherland on policies defined and understood in their indigenous ethnic terms and not by neo-colonial force, law, religion, administration or language. I will not agree with rationalism that supports the administration of development for the benefit of the powerful at the expense of the powerless. That is why it is necessary to make a strong point about the African origin of human beings, as I have tried to do, in order to underline the fact that human beings are born equal, irrespective of sex or race.

Since human beings can be considered to be born equal, there is no theoretical reason why only men were allowed to inherit land in among the Luo people. It was difficult to find a good reason for inheritance rights on the grounds of sex. First, I found that inheritance imposes inequality because it gives one party a headstart advantage compared to the other. Secondly, when inherited land is already legally owned by the inheritor, it cannot trickle down to those who were relatively deprived during the initial distribution. That is how Siaya women became legally landless as a result of

land consolidation. Thirdly, communal land ownership is the best alternative for Africa because of the economies of scope that the stakeholders enjoy.

## **7.2 FINDINGS, CONCLUSIONS AND CONTRIBUTION TO KNOWLEDGE**

### **7.2.1 Main Findings**

This thesis found many serious problems that arose with respect to the situation obtaining in Kenya. First, it found that the Swynnerton plan was rationalised as a plan to develop Kenya's native agriculture, but was instead meant to economically, socially and culturally underdevelop Kenyans.

Secondly, the Swynnerton plan also "institutionalised" pre-existing colonial inequality by hatching the idea of 5 year development planning which continued from colonial to the present Kenya. Kenyans still believe that European agribusiness is the mainstay of their national economy. But it has divided the poor from the rich. This dependency has been specifically cemented in Kenya by the colonial underdevelopment economics (settler economies) based on land and agriculture and theoretically (through different versions of classical economics) based on land, labour and capital as factors of production. Kenyans have also been slow to realise that development economics can involve giant deceptions so that some people can go on enjoying the best of what they own (such as the wildlife reserves of the natural



environment) or produce (such as horticultural and agricultural produce sent by air to New York and London).

Thirdly, I found that statistics has also been tailored to the service of foreign interests still operating in Kenya. Unfortunately, this is how Kenyans still perceive their development issues. While the official statistics which started with the need to account for European agriculture, continues to distort reality, Kenyans do not yet appreciate the need for alternatives. After independence, and as neo-colonialism strengthened, statistics about tourism, environment, and population gained more prominence than gender, social and grassroots statistics for Kenya.

Fourthly, I found that social and economic differentiation and underdevelopment in Siaya started as a European economic enterprise well before land consolidation started in rural Kenya. It actually started with the coming of the Europeans and the process of incorporation and dispossession, the railway line reaching Kisumu in 1902 and the coming of Indians to Nyanza Province. That is the deepest root in the current connection between land consolidation and gendered social stratification in Siaya. In fact had the Mau Mau struggle not taken place, there would have been no land consolidation in rural Kenya, but there would still have been social underdevelopment in Siaya.

Fifthly, this Mau Mau-induced underdevelopment was not only for European economic benefit, but also for African political gain after independence. That is the root cause of tribalism in Kenya. This cause is supported by the fact that the British intended that Kenya would be ruled by a land hungry clique with no difference from white settlers. The same land centred political establishment still continues to rule Kenya and account for Kenya's economic, cultural and social development three decades after independence. But since politicians are also basically speculators, political parties also survive on different levels of deception and self deception, and tend towards corruption, especially after being in office for too long. This is the problem that is facing Kenya at the moment, i.e., how to emerge from this land-centred stronghold into a democratic Kenya with gender equality, human development and peace.

### **7.2.2 Conclusions and Contribution to Knowledge**

There are many conclusions that arise from this argument. They deserve to be listed.

1) Colour, space and sex must be combined in defence of human equality. As I explained in Chapter 2, forms of inequality based on colour or sex cannot be acceptable. Land does not become a resource through science or some magic. All native human beings must have equal right to land, as a natural resource, and irrespective of sex.

2) Land consolidation only institutionalised a structure of inequality that was to ensure virtual underdevelopment in Siaya. It is a situation in which poverty is historically rooted to the extent that it has gone beyond local and national politics. No politician in Siaya or in Kenya has ever shown awareness of the dangerous relationship between land consolidation and poverty in Luoland or Kenya. Further, the responsibility for the land issue was deferred before decolonisation ensuring that the incoming African regimes will not be aware of their responsibility to the people. I demonstrated in Chapter 3 that there is a strong political and economic connection between land consolidation and development in Siaya and Kiambu districts. This showed the extent to which the Britain succeeded in socially polarising the so-called major tribes (the Luo and the Kikuyu) in order to underdevelop Kenya. This also explains why the current KANU government is now being overwhelmed by reports of corruption and insensitivity to landless-as poverty in rural areas.

3) Siaya people have to manage the problems that arose from land consolidation. This is because change is always a part of human life. Traditional agrarian life cannot continue for ever in the face of so much poverty Siaya. I found that most basic necessities, like woodfuel, building materials like stones and sand are now very scarce in Siaya. Either they are in people's plots, and therefore privatized, or the access road no longer exists. Some people cannot even have access to water for their livestock. It is important for the international community to understand that Siaya people urgently need the basic things that were denied to them by land consolidation.



4) Since all means for personal and social development in Siaya were cut off by land consolidation, what remained is a situation where people are in constant legal and physical disputes at all social levels: family, clan and community. The previous solidarity, trust and sense of self help of the Luo people during traditional land ownership and use was ended. That is why no economic development has been realised in Siaya since land consolidation. The resultant land market has not even produced more food or cash crops for the people. Some land is still lying fallow because of absentee land owners or owners who are too poor to develop all their land.

5) Kenyans living in the rural areas like Siaya will have to be empowered in order to affect a kind of delinking process from the predatory capitalists and land grabbers in urban areas. They will invest the whole responsibility for their land with themselves first and then to a grassroots democratically elected authority. In this research the author has argued for a complete delinking of the rural from the urban superstructure if rural community development is to succeed. The local authority in charge of Siaya rural community, Siaya County Council, will then need expert and donor assistance to learn how to take the responsibility for immediate basic needs of the people.

6) Siaya women must also be empowered to demand their rights within the Siaya society and not to run away to urban areas to encounter even more problems. They should also be saved from dependency on men, so that they can be able to live as individual citizens, not just as daughter, or wife or mother of a man. Since poverty also breeds violence, these women can be saved by a project that encourages local



communities to discuss these problems in the open and negotiate mutual solutions. This is also a way to instil social responsibility and accountability on the local authorities.

7) Landless men must also be given opportunities to make ends meet in Siaya. Men's cultural dependency can only decrease with their empowerment through further education and gainful employment. This is also the best way of minimising violence against women and enable peaceful family life to grow again in Siaya. Family life can only start and stay when individuals are empowered by their democratically elected authority that is ready to provide both practical and strategic needs for family life, such as housing, clean water, communication facilities, security, health services and education. The society will then be able to pay the necessary rates and taxes, and also deliver their votes to facilitate better management of the political economy of the district.

8) Africans have to understand that people in the West are now more concerned with their own future than ever before. That is why Africans need strong governments that are capable of ensuring home-grown equality, development and peace. Equality can only be ensured if the family land is preserved for posterity and not sold to the market forces. Development can only come if all the social, physical (land), human and economic are all usefully engaged for local gain. That is why whole continents like Europe are currently behaving like melting pots with single currencies and local

tourisms for the benefit of Europeans. The reality that has caught up with Europe should catch up with Africa too.

Kenyans must wake up to the changes that this melting pot scenario has brought to Britain. They should forget any specialness in their relationship with Britain. British people will not do business with any country where there is no peace and where human rights are not guaranteed. Paradoxically, this research has proved that these are the same values that the Luo people cherish. The Luo also want a Kenya where all women and men are truly liberated from parochial bureaucracy and where life chances are not distributed by sex, colour or ethnic group. My argument for a special project to confront the ill effects of land consolidation in Siaya is that the Luo of Kenya cannot miss the opportunity to show the rest of the world that realism and ethical approach can ensure human equality, peaceful life and sustainable development in Africa.

### **7.2.3 Theory and Development**

This thesis has tried to make significant contributions to theory and development. Five might be listed. First, I have sought to demonstrate that gender is a relational construct and must be examined within particular cultural (ethnic), social and economic contexts. Gender is not only a concern of women but for all because it is a central variable in an ethical and human centred development policy. The neo-colonial stronghold that women in the West have had over gender has continued to cloud the real post colonial (post 1994) issues that people in Africa are currently going through.

Second, I have presented a new dimension to the centre-periphery approach to development theory. I have shown that with reference to colonial settler economies such as Kenya, Zimbabwe and South Africa, underdevelopment is a triangular scenario where the precolonial economy is divided between the rural and urban while the centre (metropole) remains the same. We have so far failed to explain Kenya's underdevelopment because of undue reliance on dualistic models like centre-periphery and trickle-down theories of dependency and modernisation style schools. We need to discuss something new - a rural-urban-metropole, (or society, state and the international community) as a three-tier model of Third World underdevelopment. It is structural and different from the feminist which projects underdevelopment only as a lifelong struggle for 'individual' equality between women and men.

This approach can be generalised to explain African or Third World underdevelopment in general. "Rural" or society, represents excluded and underdeveloped societies or communities in a Third World country. In Kenya, it would represent Siaya District or Luo people. "Urban" or state represents the centre of power in the Third World country. In Kenya, it would represent the powerful, especially the public administration, the black settlers and the favoured districts like Nairobi/Kiambu District as we saw in Chapter 5. The metropole are those who now call themselves the West or the international community. The main development problem now facing the Third World is *gendered management* of the linear relationship between the rural, the urban and the metropole interests and values.



Third, I have also sought to contribute to policy as a discipline and practice in the Third World. It has often been assumed that 'policy' is a preserve for politicians. This thesis has revealed that one reason for Africa's inability to develop is the confusion between policy and politics. The wrong belief that policy is a preserve of politicians and senior government officers explains why in a country like Kenya, there is no public post for policy specialists or advisers, while in the metropole, like England, even County Councils have officers in charge of all social policy issues like employment, housing, education, health, water, and so on. Kenya is only full of business professionals like macro-economists, demographers, planning officers that add nothing to the quality, pace or direction of development at local or national levels. Until policy makers become accountable to poor women, gender equality in poverty reduction will remain elusive.

Fourth, the thesis also attempts to offer some value added elements to Social Science. It challenges to arm-chair academics that continue to lament man-made problems of Africa such as traditionalism, poverty, ignorance and disease without doing something about it. Such academics are asleep to the transcendent cause: 'the need to be committed to a cause larger than the self, if we are to find genuine self-esteem, and to be all we can be' (Singer 1997 p258). Policies have to be deconstructed and constructed by professional experts as part of empirical concern and reality.



Fifth, this thesis has attempted to make a contribution to the paradigm shift associated with postcolonial studies and sage philosophy in Africa. By critically examining the colonial means of incorporation and dispossession such as language, religion and violence, it has demonstrated a close relationship between economics and underdevelopment in Africa. It has shown the need to study and understand who gains and who loses economically, and by sex, in situations of violence, religion and colonial language in Africa.

I know that there are some pertinent issues that could not be treated fully enough in this thesis. I will only mention two: the land question and the question of Asians in Kenya. First, it must be made clear that this thesis is NOT about the problems of land ownership in Kenya that resulted from the Crown Lands Ordinance of 1902 or any other. I am, however, aware of the social problems like rural-urban migration and differentials in regional development, that arose from the arbitrary division of Kenya into Crown Lands, Urban Lands or Native Reserves. This is the connection between the land question in Kenya and in Siaya.

Second, the question of Asians in Kenya was very important for the economic development of Nyanza during colonialism and is still important for the economic development of Kenya. However, Asians have played a minor role in the social and cultural scene, including gender issues and concerns in Kenya. Since the focus of this thesis was more on the social than the economic aspects of development in Kenya, I was not able to do more on Asians in Kenya. I hope someone will undertake research

on the contribution of Asians to social development in Kenya. That will be a significant addition to what is presented here.

### 7.3 RECOMMENDATIONS FOR ACTION AND FOR POLICY

Changes come because of those individuals who when confronted with the realities of how things are, do not only laugh or weep, but take action. Siaya people must act NOW. Although the concern of the international community for the plight of the poor in the Third World is now common knowledge, it is a mistake to depend on misleading economic indicators to measure the level of poverty. Going by such misleading indicators, Kenya may not be one of the poorest countries in Africa, but Kenya is harbouring some of the poorest communities in the world. This opinion was also expressed by the head of the observer group from the West that went to monitor the 1997 general elections in Kenya at the SOAS<sup>1</sup> seminar in London on 12 February 1998. He told the seminar that he personally travelled through all parts of Alego constituency in Siaya District and all he saw was poverty. That is the reality on the ground, and that is where action has to start. Without the international community acting together to immediately eradicate this poverty, landlessness and outdated traditions and customs in Siaya, the war against malaria and AIDS menace will not be won while the gap between the status of men and women will continue to increase.

This action must be appropriate. That is why Siaya is a case for focal point planning. The action has to be taken by the main participants in the life of Siaya people as

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explained in Chapter 6. Eradicating poverty must be an empowering process and must involve the people themselves and their locally elected authority in making those *policy decisions* that will differentially allocate benefits and penalties among them. Empowered people will always feel liberated and ready to take risks and work hard for the common good. They will take risks because they have got a cushion (social security) to fall back on. They have the cushion guaranteed by their improved traditional welfare systems assisted by their democratically elected and responsible local authority. That is the lesson we learnt in Chapter 6.

First, action to address the question of landlessness-as-poverty in Siaya as a welfare initiative should be taken at one level. A special project based on negotiation and information will be necessary to deal with the main obstacle for gender and development in Siaya: *lack of physical, social, economic and human means of communication*. For physical communication, Siaya needs to start by restoring the road network that was designed during land adjudication. For social communication, Siaya people need to maximise mutual trust among themselves. They need to be assisted to discard all retrogressive customs and traditions for their own future. To manage economically, Siaya people will need money. I hope that the international community will see Siaya as a classical case for poverty eradication in Africa. When Siaya is physically, socially and economically empowered, the result will be human resource that will ensure sustainability of the development initiative.

Second, African solidarity will be needed to ensure eradication of poverty from rural Africa. The solidarity for poverty eradication in Africa (SPEAR) will have to work at all levels, local, national, regional and international. It will integrate the inner continental capabilities as well as marshal international resources, lessons and experiences for the benefit of Africa. There is no other way to deal with the effects of land consolidation on the differential status of women and men in Siaya, in Kenya and in Africa, eradicate poverty, restore hope and the dignity of being human, irrespective of faith, colour or sex. It is the only way to make Africans' life worth living again.



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INDIVIDUAL QUESTIONNAIRE ‘A’

I have been sent by my research director to find answers about any changes in land distribution. The information is required for my part fulfilment of conditions for award of a Degree. I just wanted to assure you that the information you will give me is strictly confidential and no real names will be used. So, please feel free.

District: Siaya

Division:-----

Location-----

Sublocatin-----

Date-----

*Now, let us begin.*

A1. Your official name (as appears in the ID card)-----  
-----

A2. How old are you?-----Years.

Can you give me an example of change in the ownership of land, or the amount of land, locally (or to you or your family or village) during the last 12 months?



*Tell me about your marriage life.*

A3. What is your marital status at present? 1.Married 2. Widowed 3.Separated  
4.Single 5.Divorced

A4. If currently married, -are you a co-wife or the only wife? 1. Co 2.Only  
-are you a polygamist or a monogamist? 1.Mono 2. Poly

A5. If a co-wife, how many other co-wives do you have? No.-----  
If a polygamist, how many other wives do you have? No.-----

A.6. If currently married, I would like to know if you have been married only once or  
more than once. 1. Only once 2. More than once.

A7. If widowed, were you 'inherited'? 1. Yes 2. No  
Have you ever inherited a wife? 1. Yes 2. No.

*Tell me about your education*

A8. What is your level of formal education generally? a) None b) pre-primary c)  
primary d) secondary e) university f) other

A 9. If none how many languages can you speak and write? No-----

Name them

SPEAK

WRITE

-----

-----

-----

-----

*Tell me about what you do for a living*

A.10 Are you formally employed and on monthly payroll? 1. Yes 2. No

A11. If Yes, are you employed by 1. The Government; 2. Private Company; 3. NGO  
4. Other?



A.12 If No. are you in full time business? 1.Yes 2.No

A13. Do you have more than one source of income? 1.Yes 2.No

A.14. What is your average monthly income? K.Shs.-----

*Tell me something about land*

A.15 Do you remember when land was consolidated in this place?

1. Yes 2. No

A16. What was your marital status then?

1.Married 2.Widowed 3.Separated 4.Divorced 5.Single

A17. Do you currently have your own piece of land in your rural area?

1.Yes 2.No

A.18. If Yes, How did you acquire the land?

1.Bought it 2.Inherited it 3.Other

A19. If you bought it, how much did you pay for it?

K.Shs.-----

A 20. If you inherited it, from whom did you inherit it?

Give relation only

A21. Do you have a Title Deed for the land?

1.Yes 2.No

A22. Do you have a piece of land or house I some urban area or town?

1.Yes 2.No

A23. If Yes, how did you acquire it?

1.Bought it 2. Local Authority Land 3. Other

A24. Do you think that women and men in this place have equal rights to own land?

1.Yes 2.No

A25. Do you think that land consolidation was a bad or a good thing to happen here?

1.Good 2.Bad

A26. Give me four reasons why you think it was good (bad).

- 1.-----
- 2.-----
- 3.-----
- 4.-----

A27. Should individuals have equal rights to own land irrespective of their sex?

1.Yes 2.No

A. Do you think they have it in this District?

1.Yes 2.No

A29. In your view, is the current land use system optimal?

1. Yes 2. No

A30. To what extent are women's needs considered in the current land use system?

-----

-----

-----

-----

A31. Is there a need for land policy in this Country/District?

1. Yes 2. No

A.32. Is there a need for gender policy in this Country/District

1.Yes 2.No

A33. Would it be better to have one policy incorporating both gender and land issues?

1.Yes 2.No.

A.34. If Yes, tell me what land and gender issues that you would like to see incorporated in the policy.

-----

-----

-----

-----

A35. When land consolidation was going on in this place, do you think that women and men were given equal consideration? 1. Yes 2. No

A. 36. Tell me two specific problems with regard to landlessness in this place.

1.-----

2.-----

A37. How would you compare women's and men's ownership of land before and after land consolidation?

-----

-----

-----

-----

A38 Could you kindly what Luo culture says about women's and men's ownership of land?

-----

-----

-----

-----

A.39 What would you generally say about landlessness in this place?

-----

-----

-----

-----

Thank you very much.

July 1997.



# METHODOLOGY

Methodology used in this thesis can be explained under three headings: the nature of the problem, how it was perceived, and the disciplines within which it was investigated. I will then explain the methodology itself.

## 1. The Nature of the Problem.

Development of research questions depended on the nature of the problem. This thesis grew out of my concern for two main problems: the situation of women and the practical problems caused by land consolidation in Siaya District of Kenya. Siaya is a district where historical chains of circumstances have successively and concurrently combined to cause untold poverty and exclusion from the rest of Kenyan society. During the actual process of land consolidation, all Luoland was in a big turmoil because of the conflicts resulting from land consolidation that was effected in a native reserve without regard to customary laws. People are still in constant conflicts and there are inter-family and interclan feuds all over Siaya. This prompts two questions: Who expects ordinary people of Siaya to understand what the constitution or the laws of Kenya say about land? Why was state law, such as Land Adjudication Act of 1968 imposed on a rural community that was supposed to be governed by native customary laws? My understanding is that land consolidation was illegal as far as the customary laws of different ethnic groups in Kenya, including the Luo were concerned. I was not surprised to find that the illegal policy action is still continuing to cause so many social, cultural and economic problems to women and women of Siaya District.

Throughout the work on this thesis, I was very aware that land consolidation must be understood as a deliberate policy action that was consciously intended to work at the individual level, irrespective of sex.

## **2. Relevance of Research Methods**

I therefore needed a methodology that could help understanding of the connection between land consolidation and the problem resulting from the need for women and men to own land individually in Siaya. Local customs and traditions meant that the process of privatization of land was the responsibility of men. The resulting problem was that as men realized their right to own land, the scramble for land intensified. Apart from customs and traditions, the colonial and postcolonial governments in Kenya also furthered the increase of conflicts over land. By bringing the issue of boundary into sharp focus, both regimes deliberately promoted a policy that was conducive to conflicts over land.

In order to understand how the powers of customary law and public law work in this case, I had to employ a methodology that was capable of combining all the issues involved. These were poverty, social instability and social stratification. That is how I got to the topic of the effect of land consolidation on the differential status of women and men in Siaya District. The fact that the issues that I examined were all real events and happenings in place and time meant that I did not need to rely on assumptions and hypotheses. I was studying real facts of human life in Siaya. That is why I employed an historical and qualitative method based on evidence from the people of Siaya themselves.



### **3. Mixture of methodologies?**

For empirical evidence four methods were used in this thesis. First, I used an individual questionnaire (Appendix 1) in all administrative divisions of Siaya District, such as Bondo, Boro, Ugunja, Rarieda, Yala and Ukwala. Second, I held a total of 29 intensive discussions with men and women who represented various shades of opinion about the problem of my research, (see Table A2-1 below). These included old men and women who were conversant with land issues as well as Luo customs. I observed a land 'court' case in Siaya and had 4 focus group discussions with women and men that represented different shades of opinion in Siaya.

For secondary evidence, the main sources of data were Kenya government publications such as census reports, development plans and economic surveys. My reservations for the irrelevance of official statistics in the area of social development were made very clear. I also got some semi-official (with more influence of the donors) but a bit more relevant statistics such as welfare monitoring surveys and regional gender statistics.

Chapters 1 to 3 used historical, theoretical and comparative analyses to put the research questions in their context. Chapters 4 and 5 were mainly reports and discussions of the empirical information that I gathered from the field. In Chapter 6, I presented a theoretical discussion and a justification for the appropriate action to be taken in the face of mounting poverty and gender inequality due to land consolidation in Siaya and land issue in Kenya and Africa.

#### **4. Table A2-1: List of Discussants**

##### **A) Siaya Discussions: Local Opinion Leaders**

1. P O Nyahor (F)
2. S H Omuya (M)
3. P O Olute (M)
4. J O Obiero (M)
5. N S Mudhai (M)
6. A O Oyendo (M)
7. P J O Oduol (M)
8. G R Aringo (F)

##### **B) Siaya Discussions: Civil Servants and other Opinion Leaders**

9. Assistant Land Registrar, Siaya District (F)
10. The Medical Officer of Health, Siaya District (M)
11. The District Development Officer, Siaya District (M)
12. The District Manager, Maendeleo ya Wanawake Organisation, Siaya (F)
13. The Headmistress, Hawinga Girls Secondary School (F)
14. The Principal, Siaya Farmers Training College (F)
15. The District Land Adjudication Officer (M)
16. The Branch Manager, Agricultural Finance Corporation (M)
17. The District Surveyor, Siaya District (M)
18. The Director, National Environmental Secretariat (M)
19. The Town Clerk, Siaya Municipality Council (F)
20. The Treasurer, Siaya County Council (M)
21. The Clerk to Siaya County Council (M)
22. The Programme Coordinator, IFAD, Siaya District (M)
23. The Deputy Chairman of Siaya County Council

##### **C) Nairobi Interviews**

24. The Permanent Secretary, Ministry of Planning and National Development (M)
25. The Director, Institute of Development Studies, University of Nairobi (M)
26. Programme Officer, Food and Agricultural Organisation, Kenya (M)
27. A Distinguished Land Lawyer in Nairobi (M)

##### **D) Overseas Interviews**

28. Mr. B. Luther Bristol UK (M)
29. Prof. K. Ingham, Bristol UK (M)



## Alego Negotiation, Information, Communication and Education Project

Below I set out, in outline, a possible practical project to tackle some of the problems listed in this thesis.

### 1. INTRODUCTION

My thesis has shown that the Alego Location is the center of both conjunctural poverty, (traditionalism, culturalism) and structural poverty (landlessness, illiteracy, and disease) in Siaya District. Alego is the place where the Luo people settled initially when they came into the present Kenya about 500 years ago. Alego is also in the center of the district and Siaya Town is in Alego. The fact that Alego needs a special empowerment project to deal with 5 centuries of underdevelopment cannot be overemphasized.

Kenya's land use management system has been based on three separate instructions listed below. First, was the institution of private property, which evolved from the feudal tenure system in England. Here land is individualized private property that belongs to the landlord. The second is the form of government regulation in land use, where land belongs to the 'whole country, i.e., the public or government. The third one is where land belongs to the individual through the community or the clan. This is the motherland concept that will be developed here.

This project will go through a given process. First, is to inform the people about the issue to be addressed. Second is to educate the people on the issue. Third is to negotiate with the people about their understanding and involvement in the issue. Fourth is to communicate with the people as they start to fully participate in the success of the project. The project will endeavour to negotiate, inform, communicate and educate thus **empower** the people of Alego to liberate themselves from both conjunctural and structural poverty.

### 2. SPECIFIC AIMS AND OBJECTIVES

This project will be based on focal point planning (see Chapter 6). It will focus on one specific issue of social development, i.e., **communications**. It will start with the most critical aspect of rural communications: **RURAL ROAD NETWORK**. This

focus will then relate to three other aspects of communication such as negotiation, information and education.

### **Alego Rural Road Network**

**Main Aim** To open up all rural roads network in Alego as per the land maps held by the District Surveyor.

**BENEFITS**

- 1.-Easier inter-village communication for all
- 2.-Easier access to local growth points and resources such as market centres, schools, grazing areas, health centres etc.
3. -Increased local trade and exchange assured.
4. -Gender equality, development and peace assured.

**Step 1** Inform the main parties involved in the project, i.e., the people of Alego and the Siaya County Council.

**Step 2** Educate the people about the need for and importance of community transport facilities, through home visits, village meetings, public barazas, and county council meetings. Encourage interaction between the people and their grassroots elected representatives on the issue.

**Step 3** Involve all in a negotiation process on the issues arising from information and education stages. The negotiation process should accomplish the following tasks:

- Sort out customary and traditional gender biases and so as to increase the value of women in Alego
- Inculcate a sense of responsibility towards the Alego people in SCC. This will become true when SCC delivers all the land roads.
- Develop a sense of civil and active society among Alego people
- Develop trust, mutual respect and cooperation among the people for their own social change.
- Empower the people to have self confidence and courage in themselves

#### **Step 4 Main aim is achieved.**

- There is evidence that a higher proportion of Alego people can communicate among themselves, and become more equal in time and place.
- Alego becomes a civil and active society continuing to maintain and improve their transport and communication networks.

### **Support for Alego NICE Project**

#### **1. Financial Support**

- ANICEO Support Fund
- The project will operate one account into which all project funds from donors will be deposited.
- Other support will include donations in kind to ANICEP.

#### **2. Logistic Support**

##### **International Consultancies to the project**

- International poverty consultant
- International professionals
- International volunteers

##### **Regional (East African) support and consultancies**

- Rural development examples from other parts of Africa.

##### **Local Consultancies and support to the project**

- Individuals, e.g Alego outmigrants support.

#### **3. Responsibilities**

- a) Management: ANICEP could be managed by a special Board on behalf of SCC. It will aim at enabling the SCC to work together with the local community, i.e., the



people and clans of Alego and/or their welfare societies, and the donor community. This should be possible within a period of 5 years. SCC will undertake to house the project in a safe accommodation as well as provide security to project property and full time staff, both local and international.

### 3.1 The Board will consist of:

- 1-The Chairman (SCC)
- 2 -the Donor(s),
- 3-a Consultant from the Centre for International Research on Poverty, University of Bristol, UK,
- 4- the Coordinator (Secretary)
- 5-the Treasurer,
6. Two women and 2 men elected by the people of Alego to the Board

b) Execution of the project will be the responsibility of the project coordinator, assisted by other national and international project staff.

The people will be required to pay back their dues, initially through voucher to the Council. The SCC will deliver the services, manage the economy, and expect the support from the people.

The whole society will be able to engage in a peaceful civil life rooted on gender equality and full awareness of individual rights and responsibilities.

After five years, the project will be expected to have established a rural environment with successful communication, interaction and income generating activities which will then enable the people of Siaya to pay back their dues to the SCC in cash.

The project management as well as the civil society will receive necessary guidance and training on various project activities from the project administration and professional personnel such as subject matter specialists and consultants engaged in the project.



The success of the project will mean that the civil society in Siaya will be able to sustain the project and continue with their life in greater equality, and with greater hopes of development and peace.

A replication of the same project will then be possible in other districts in Kenya, East Africa or elsewhere in Africa.

## Appedix 4

### **KAKA NG'ADO LOWO OKELO POGRUOK E GI NGIMA MAR JOMAMON KOD JOMACHWO E DISTRICT MAR SIAYA E PINY KENYA**

Mani en temo nono kaka ng'ado lowo okelo pogruok e ngima mar jomamon kod jomachuo ei Siaya District mar Kenya. En gima duon'g ni jogo ma nyalo somo dholuo kende bende mondo osom gino ma owachore e iye ka.

Ka podi ok adhi nyime, nitie weche maoko ma onego aketi e ler. Mokuongo, en gimaduon'g mondo jiduto on'ge ni ng'ado lowo en gima ne obiro kod teko mar wasungu. Kuom chik mar Jaluo, lowo nee en mar jokakwaro. Ok nee en mar ngato achiel. Gima duon'g en ni joluo mange'ny podi ok ong'eyo gimomiyo wasungu nee ojok ni nyaka ngad lowo.

Mar ariyo, ere kaka ng'ado lowo nee otimore kod ngima mar jomamon kod jomachuo e piny Luo? Mani ne owuok kuom chik Luo ni ngano ma nyako kata dhako ok onego yud lowo e dalagi kama onyuolee. To maduon'g en ni ngato manyako kata dhako ok nyal gero ode kende owuon, e dalagi kata e lope ma on'giewo. Kendo moro ni ngano

manyako mosee bedo maduon'g ok nyal ik e dalagi ka Nyasaye okawe. An'go ma omiyo Joluo nee okelo chike machalo magi?

Ka nee pod ngado lowo ok obiro e piny Luo, chikegi nee nyalo tiyo nimar lowo nee mar jokakwaro, kendo nee nitie kaka dak mar joma nyiri kod jomachwo ochan. Ban'g ngado lowo, chike ma nee Jolup konyorego koro ok nyal timore. Wach *mokuongo* manee thago chunya en ni Joluo biro bet nade e ngima mabiro ka koro lowo bende ongee, chike bende olokre, tich ma n'gato nyalo yudogo konyruok bende ongee, tuoche bende obiro e piny ma opogore opogore? *Mar ariyo*, an'go ma omiyo ngima mar jomamon odok chien ahinya e piny Luo kaka Siaya District?

E dwe mar abiriyo, kod aboro higa 1997, nee atimo resach e piny Siaya nyaka Nairobi kapenjo ji gimomiyo mon ne ok yud lowo ndalo ng'ado lowo. Nee abet kod grube mar jo mopogore kapenjogi penjo, kata jogo ma nee apenjo achiel, achiel.

Nitie weche ariyo manee jogo owachona. Mokuongo, nyako ok nyal mi lowo nimar naythi ma nyako onyuolo ok en japiny kane mage. En japiny kawuon gi. Mar ariyo, nyako maduon'g ka otho, ok nyal ike e dala gi nimar ongee kaka min mare biro yuage. Nyaka ike oko eka inyalo yuage kaka ng'atno ma osee dhi tedom. Magi gin weche manee owuok e dhog jomadongo manee apenjo wachni. Nee ayudo ni joluo podi omako weche

mag *sinohonoho*, kod weche mag *chira* saidi. To gimaduon'g en ni weche gi medo mana duoko joluo chien.

Ngima man e piny Luo, molojo to piny mar Siaya, biro bedo matek ahinya ka wach mar lowo ok olos maber, kendo ji oyudo kaka chano dak. Nee ayudo ni ng'ado owow okelo dhier man'gongo saidi e piny Luo. Joluo pod laro lowo manee osee ng'ad higni apar gi wiye mokadho. Podi ok gingeyo ni mano ema nee Wasungu dwaro; ni mondo jomaongee lowo obed angeny ma koro dhi tiyo e sembnigi nono. Mar ariyo, Joluo ok ongeyo ni wasungu nee dwaro mondo oketh ngimagi machon mondo gibed ma onge konyruok kata matin.

Gima duon'g en ni wasungu nee dwaro ketho ngima joratenge duto e piny Afrika, ok ngima Joluo kende. Kuom ranyisi, ka nee lweny mokuongo kod mar ariyo owuok, joratenge mangeny manee okedo matek saidi ka temo konyo ngima wasungu. E piny Kenya, jo Siaya bende nee okedo saidi, to gima nee giyudee to ongee. Resach manec atimo oyudo ni Siaya e district ma dhier duon'gie molojo duto e piny Kenya. Ango momiyo jo-Siaya ok nyal tiyo kaachiel mondo ogol dhier kuomgi?

Gik ma kelo dhier e piny Siaya gin ariyo; lowo kod ngima mar jomamon. Onego jo Siaya ogol chike maduoko ngima chien machalo *sinohonoho* kod *chira* mangeny maongo gima omiyo. Lowo osee bet maongee, koro chike man'geny onego rum mondo ji odag kod kwe; eka dongo nyalo chako biro matin tin. Bende jo Siaya onego ng'e ni



Serikali ok nyal neno ni gidhi marach, nimar serikali bende en mar joraten'g kaka gin.

Miyo nyaka gikonyore mana kendgi.